

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**MAY 15, 2000**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, May 15, 2000, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Randal Giannetto (arrived 10:30 a.m.)  
Darrell Hanson  
Rozanne King, Secretary  
Gary Priebe  
Terrance Townsend, Chair  
Rita Venner

### MEMBERS ABSENT

Kathryn Murphy

Chairman Townsend reported that Commissioner Murphy phoned to say she was ill and would not be able to attend the meeting. He noted that Randal Giannetto would arrive late.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Phil Broder – Item #20, Petition for Rulemaking, DM County Conservation Board on Flint Creek Water Use Designation.....1:00 P.M.
- Add: Appointment – Keokuk Ferro-Sil Referral – Item #22A .....1:30 P.M.

*Motion was made by Rozanne King to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS AMENDED**

### ELECTION OF OFFICERS

Chairman Townsend called for nominations for the position of Chair.

*Gary Priebe nominated Terrance Townsend for Chair and was seconded by Rozanne King. Motion was made Rita Venner to cease nominations and was seconded by Gary Priebe. Motion carried unanimously.*

**TERRANCE TOWNSEND ELECTED CHAIR**

Chairman Townsend called for nominations for Vice-Chair.

*Rita Venner nominated Kathryn Murphy and was seconded by Gary Priebe. Rozanne King moved nominations cease and a unanimous ballot be cast for Kathryn Murphy. Motion carried unanimously.*

**KATHRYN MURPHY ELECTED VICE-CHAIR**

Chairman Townsend called for nomination for Secretary

*Rozanne King nominated Rita Venner for Secretary and was seconded by Gary Priebe. Gary Priebe moved nominations cease and a unanimous ballot be cast for Rita Venner. Motion carried unanimously.*

**RITA VENNER ELECTED SECRETARY**

**APPROVAL OF MINUTES**

*Motion was made by Gary Priebe to approve the meeting minutes of April 17, 2000 as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Larry Wilson, Deputy Director, reported that Lyle Asell asked him to sit in for him as he had another meeting commitment. He related that Mr. Asell was appointed Interim Director and would be in to visit the Commission after lunch. Mr. Wilson stated that Paul Johnson spoke with each Commissioner prior to his resignation and that well wishes go with him as he returns to his farm in Decorah.

**FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations' financial status report by division as of 3/31/00. All divisions are over their General Fund budgets with the exception of the Environmental Protection Division. The Fish and Wildlife Division is within its appropriated budget.

The budget contained in this projection includes the Governor's General Fund budget reductions totaling \$192,845.

One reason for the budget overages shown is that the Governor's mid year budget cuts were not identified until December giving us only the remaining 6 months to effect the reductions. In addition, \$150,000 in unbudgeted Park Ranger's retirement pay-outs have been made through March. These pay-outs were to be addressed through the supplemental appropriation request originating from the Department of Management. The Department of Management decided not to include these costs in the supplemental.

Currently, all divisions are monitoring their General Fund expenses closely and reducing all expenditures that can be delayed until next fiscal year. This, of course, will place a burden on next years expenditures. In addition, revenues are being monitored to identify any potential for mitigation of deficits. For example, Park receipts are running approximately \$100,000 ahead of the budgeted amount included in this projection. Park receipts are high in the summer and almost non-existent in the winter. Actual year end receipts are dependent upon the May and June camping receipts.

We will continue to closely monitor budget and expenditure developments during the upcoming quarter.

**Iowa Department of Natural Resources  
Financial Status Report**

<b>TOTAL DEPARTMENT THROUGH MARCH 31, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU MARCH</b>	<b>FY 00 ACTUAL THRU MARCH</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$17,068,223	\$12,344,980	\$12,843,301	(\$498,321)
Federal	\$13,086,089	\$9,562,911	\$7,176,102	\$2,386,809
Administration Fund	\$395,000	\$288,654	\$288,654	\$0
Conservation Fund	\$4,381,311	\$3,201,727	\$3,201,727	\$0
Other Funds	\$12,373,967	\$9,042,514	\$6,824,175	\$2,218,339
Groundwater Fund	\$3,376,941	\$2,467,765	\$2,222,184	\$245,581
Fish and Wildlife Trust Fund	\$24,236,883	\$17,711,568	\$17,303,635	\$407,934
<b>TOTAL RESOURCES</b>	<b>\$74,918,414</b>	<b>\$54,620,120</b>	<b>\$49,859,778</b>	<b>\$4,760,342</b>
<b>EXPENDITURES</b>				
Personnel	\$45,055,388	\$32,925,091	\$30,739,543	\$2,185,548
Extra Help	\$2,960,506	\$2,035,495	\$2,010,006	\$25,489
Support	\$14,597,701	\$10,667,551	\$11,261,631	(\$594,080)
Contracts	\$9,600,600	\$7,015,823	\$3,960,841	\$3,054,982
Equipment	\$2,704,219	\$1,976,160	\$1,887,757	\$88,403
<b>TOTAL EXPENDITURES</b>	<b>\$74,918,414</b>	<b>\$54,620,120</b>	<b>\$49,859,778</b>	<b>\$4,760,342</b>

<b>ADMINISTRATIVE SERVICES THROUGH MARCH 31, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU MARCH</b>	<b>FY 00 ACTUAL THRU MARCH</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				

General Fund	\$1,545,041	\$1,129,068	\$1,201,050	(\$71,982)
Federal	\$623,694	\$455,776	\$401,314	\$54,462
Fish and Wildlife	\$2,007,449	\$1,466,982	\$1,481,543	(\$14,561)
Groundwater Fund	\$184,453	\$134,793	\$132,315	\$2,478
REAP	\$749,357	\$547,607	\$402,387	\$145,220
Marine Fuel Tax	\$85,592	\$62,548	\$134,165	(\$71,617)
Infrastructure	\$223,594	\$163,396	\$140,783	\$22,613
Other	\$433,012	\$316,432	\$299,291	\$17,141
<b>TOTAL RESOURCES</b>	<b>\$5,852,192</b>	<b>\$4,276,602</b>	<b>\$4,192,848</b>	<b>\$83,754</b>
<b>EXPENDITURES</b>				
Personnel	\$4,269,262	\$3,119,845	\$2,945,741	\$174,104
Extra Help	\$120,100	\$87,765	\$85,616	\$2,149
Support	\$1,225,930	\$895,872	\$975,174	(\$79,302)
Contracts	\$25,000	\$18,269	\$44,615	(\$26,346)
Equipment	\$211,900	\$154,850	\$141,702	\$13,148
<b>TOTAL EXPENDITURES</b>	<b>\$5,852,192</b>	<b>\$4,276,602</b>	<b>\$4,192,848</b>	<b>\$83,754</b>

DIRECTOR'S OFFICE THROUGH MARCH 31, 2000	FY 00 BUDGET	FY 00 BUDGET THRU MARCH	FY 00 ACTUAL THRU MARCH	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$595,417	\$435,112	\$491,758	(\$56,646)
Federal	\$491,856	\$359,433	\$341,683	\$17,750
Fish and Wildlife	\$367,460	\$268,528	\$268,528	\$0
Administration Fund	\$395,000	\$288,654	\$288,654	\$0
Groundwater Fund	\$95,208	\$69,575	\$87,209	(\$17,634)
Other	\$204,236	\$149,249	\$179,059	(\$29,810)
<b>TOTAL RESOURCES</b>	<b>\$2,149,177</b>	<b>\$1,570,552</b>	<b>\$1,656,891</b>	<b>(\$86,339)</b>
<b>EXPENDITURES</b>				
Personnel	\$1,229,252	\$898,300	\$873,677	\$24,623
Extra Help	\$68,245	\$49,871	\$65,762	(\$15,891)
Support	\$805,680	\$588,766	\$682,817	(\$94,051)
Contracts	\$0	\$0	\$0	\$0
Equipment	\$46,000	\$33,615	\$34,635	(\$1,020)
<b>TOTAL EXPENDITURES</b>	<b>\$2,149,177</b>	<b>\$1,570,552</b>	<b>\$1,656,891</b>	<b>(\$86,339)</b>

ENERGY AND GEOLOGY THROUGH MARCH 31, 2000	FY 00 BUDGET	FY 00 BUDGET THRU MARCH	FY 00 ACTUAL THRU MARCH	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$1,938,550	\$1,416,633	\$1,466,986	(\$50,353)
Federal	\$2,788,646	\$2,037,857	\$1,075,021	\$962,836
Oil Overcharge	\$297,121	\$217,127	\$145,727	\$71,400
Bonding Programs	\$141,982	\$103,756	\$89,009	\$14,747
Groundwater Fund	\$199,582	\$145,848	\$143,969	\$1,879
Other	\$105,093	\$76,799	\$61,723	\$15,076
<b>TOTAL RESOURCES</b>	<b>\$5,470,974</b>	<b>\$3,998,019</b>	<b>\$2,982,435</b>	<b>\$1,015,584</b>
<b>EXPENDITURES</b>				
Personnel	\$3,114,454	\$2,275,947	\$1,985,447	\$290,500
Extra Help	\$37,000	\$27,038	\$28,384	(\$1,346)
Support	\$467,653	\$341,746	\$398,502	(\$56,755)
Contracts	\$1,718,450	\$1,255,790	\$483,940	\$771,850
Equipment	\$133,417	\$97,497	\$86,162	\$11,335
<b>TOTAL EXPENDITURES</b>	<b>\$5,470,974</b>	<b>\$3,998,019</b>	<b>\$2,982,435</b>	<b>\$1,015,584</b>



ENVIRONMENTAL PROTECTION THROUGH MARCH 31, 2000	FY 00 BUDGET	FY 00 BUDGET THRU MARCH	FY 00 ACTUAL THRU MARCH	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$4,989,784	\$3,646,381	\$3,631,120	\$15,261
Federal	\$8,512,544	\$6,220,705	\$4,933,104	\$1,287,601
Air Contaminant Fees	\$6,405,219	\$4,680,737	\$3,169,292	\$1,511,445
Groundwater Fund	\$1,321,974	\$966,058	\$868,616	\$97,442
Hazardous Waste Remedial Fund	\$311,296	\$227,486	\$265,935	(\$38,449)
Water Protection Fund	\$1,197,382	\$875,010	\$571,305	\$303,705
Operator Certification Fees	\$80,997	\$59,190	\$37,264	\$21,926
LUST Insurance Fund	\$75,000	\$54,808	\$75,000	(\$20,192)
Land Recycling Fund	\$120,000	\$87,692	\$57,373	\$30,319
Manure Certification Program	\$50,000	\$36,538	\$57,119	(\$20,581)
Stormwater Permit Fees	\$492,265	\$359,732	\$211,046	\$148,686
Well Contractor Fees	\$69,207	\$50,574	\$105,448	(\$54,874)
Groundwater Professional Regis.	\$45,998	\$33,614	\$28,635	\$4,979
Water Supply Lab. Cert. Fees	\$156,060	\$114,044	\$78,030	\$36,014
Other	\$22,609	\$16,522	\$33,525	(\$17,003)
<b>TOTAL RESOURCES</b>	<b>\$23,850,335</b>	<b>\$17,429,091</b>	<b>\$14,122,812</b>	<b>\$3,306,279</b>
<b>EXPENDITURES</b>				
Personnel	\$13,181,343	\$9,632,520	\$8,874,339	\$758,181
Extra Help	\$0	\$0	\$0	\$0
Support	\$2,972,765	\$2,172,405	\$1,715,813	\$456,592
Contracts	\$6,709,395	\$4,903,019	\$2,891,055	\$2,011,964
Equipment	\$986,832	\$721,146	\$641,605	\$79,541
<b>TOTAL EXPENDITURES</b>	<b>\$23,850,335</b>	<b>\$17,429,091</b>	<b>\$14,122,812</b>	<b>\$3,306,279</b>

FISH AND WILDLIFE THROUGH MARCH 31, 2000	FY 00 BUDGET	FY 00 BUDGET THRU MARCH	FY 00 ACTUAL THRU MARCH	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$21,861,974	\$15,976,058	\$15,553,564	\$422,494
Corps Condition 5 Funds	\$297,790	\$217,616	\$220,754	(\$3,138)
<b>TOTAL RESOURCES</b>	<b>\$22,159,764</b>	<b>\$16,193,674</b>	<b>\$15,774,318</b>	<b>\$419,356</b>
<b>EXPENDITURES</b>				
Personnel	\$14,889,445	\$10,880,748	\$10,417,149	\$463,599
Extra Help	\$880,633	\$643,540	\$576,221	\$67,319
Support	\$5,091,524	\$3,720,729	\$4,009,376	(\$288,647)
Contracts	\$461,667	\$337,372	\$217,567	\$119,805
Equipment	\$836,495	\$611,285	\$554,005	\$57,280
<b>TOTAL EXPENDITURES</b>	<b>\$22,159,764</b>	<b>\$16,193,674</b>	<b>\$15,774,318</b>	<b>\$419,356</b>

FORESTRY THROUGH MARCH 31, 2000	FY 00 BUDGET	FY 00 BUDGET THRU MARCH	FY 00 ACTUAL THRU MARCH	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$1,742,027	\$1,273,020	\$1,367,350	(\$94,330)
Federal	\$460,000	\$336,154	\$336,154	(\$0)
Forestry Enhancement Fund	\$251,690	\$183,927	\$122,908	\$61,019
Forestry Receipts	\$932,000	\$681,077	\$681,077	(\$0)
Other	\$68,700	\$50,204	\$38,985	\$11,219
<b>TOTAL RESOURCES</b>	<b>\$3,454,417</b>	<b>\$2,524,382</b>	<b>\$2,546,474</b>	<b>(\$22,092)</b>

<b>EXPENDITURES</b>				
Personnel	\$2,319,987	\$1,695,375	\$1,539,084	\$156,291
Extra Help	\$130,351	\$95,257	\$130,340	(\$35,084)
Support	\$839,696	\$613,624	\$812,049	(\$198,425)
Contracts	\$46,000	\$33,615	\$1,342	\$32,273
Equipment	\$118,383	\$86,511	\$63,659	\$22,852
<b>TOTAL EXPENDITURES</b>	<b>\$3,454,417</b>	<b>\$2,524,382</b>	<b>\$2,546,474</b>	<b>(\$22,092)</b>

<b>PARKS PRESERVES AND RECREATION THROUGH MARCH</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU MARCH</b>	<b>FY 00 ACTUAL THRU MARCH</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$6,257,404	\$4,444,766	\$4,685,037	(\$240,271)
Federal	\$50,000	\$36,538	\$40,782	(\$4,244)
Park Receipts	\$3,449,311	\$2,520,650	\$2,520,650	\$0
Infrastructure	\$69,191	\$50,563	\$54,089	(\$3,526)
Other	\$303,039	\$221,452	\$186,618	\$34,834
<b>TOTAL RESOURCES</b>	<b>\$10,128,945</b>	<b>\$7,273,969</b>	<b>\$7,487,176</b>	<b>(\$213,207)</b>
<b>EXPENDITURES</b>				
Personnel	\$5,162,471	\$3,772,575	\$3,537,143	\$235,432
Extra Help	\$1,579,202	\$1,026,080	\$1,026,080	\$0
Support	\$2,894,565	\$2,115,259	\$2,451,185	(\$335,926)
Contracts	\$131,265	\$95,924	\$117,013	(\$21,089)
Equipment	\$361,442	\$264,131	\$355,755	(\$91,624)
<b>TOTAL EXPENDITURES</b>	<b>\$10,128,945</b>	<b>\$7,273,969</b>	<b>\$7,487,176</b>	<b>(\$213,207)</b>

<b>WASTE MANAGEMENT THROUGH MARCH 31, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU MARCH</b>	<b>FY 00 ACTUAL THRU MARCH</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
Groundwater Fund	\$1,575,724	\$1,151,491	\$990,075	\$161,416
Federal	\$159,349	\$116,447	\$48,044	\$68,403
Waste Volume Reduction Fund	\$61,188	\$44,714	\$20,869	\$23,845
Waste Tire Program	\$56,349	\$41,178	\$37,836	\$3,342
<b>TOTAL RESOURCES</b>	<b>\$1,852,610</b>	<b>\$1,353,830</b>	<b>\$1,096,824</b>	<b>\$257,006</b>
<b>EXPENDITURES</b>				
Personnel	\$889,174	\$649,781	\$566,963	\$82,818
Extra Help	\$144,975	\$105,943	\$97,603	\$8,340
Support	\$348,388	\$254,591	\$231,506	\$23,085
Contracts	\$460,323	\$336,390	\$190,518	\$145,872
Equipment	\$9,750	\$7,125	\$10,234	(\$3,109)
<b>TOTAL EXPENDITURES</b>	<b>\$1,852,610</b>	<b>\$1,353,830</b>	<b>\$1,096,824</b>	<b>\$257,006</b>

Ms. Hanson reported that the Department obtained a \$200,000 Supplemental Appropriation for Park Ranger retirements and to date \$147,000 has been spent on those retirements. Additionally, she reported that the camping receipts are approximately \$133,000 higher than last year at this time, so it appears that concerns with the Parks budget will be corrected by the supplement and the additional receipts. Ms. Hanson noted that Larry Wilson has cautioned all of the divisions to scrutinize their spending plan for the remainder of the fiscal year in regard to General Fund monies. She presented details on the financial status of each division.

Darrell Hanson asked for a further explanation of the Parks' Retirement obligation.

Ms. Hanson stated that the Park Rangers are covered by a collective bargaining agreement, under the State Police Officers Council, and as a part of their bargaining agreement they have negotiated a pay out at the time of retirement for accumulative sick leave. She related that she has suggested, that in the future, this should be part of the collective bargaining costs of the contract, and funded as part of the bargaining cost.

<b>INFORMATIONAL ONLY</b>
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### **CONTRACT APPROVAL – AMENDMENT WITH NATIONAL OLDER WORKERS CAREER CENTER (NOWCC)**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to amend an existing contract with the National Older Workers Career Center (NOWCC) for employment of a qualified individual in a engineering specialist position within the Waste Management Assistance Division's Waste Reduction Assistance Program (WRAP). Due to the benefits of economies of scale, this position will be grouped with the other Department positions currently covered by the referenced agreement. The amount related to this amendment will not exceed \$45,000. Funding for the amended portion of the contract will be provided by a U.S. EPA grant with an equal amount of matching state funds. Source of state funding is the portion of the solid waste account appropriated for WRAP.

**BACKGROUND:** The Waste Reduction Assistance Program (WRAP) provides pollution prevention technical assistance services to Iowa businesses, industries and institutions. This voluntary program is provided at no cost to its customers and is confidential and non-regulatory. The program relies on part-time field engineers to perform onsite pollution prevention opportunity assessments. Following the assessments, a customized report describing cost saving waste reduction recommendations is prepared and distributed to customers. As part of its services, WRAP performs a follow-up onsite visit with its customers to ascertain any additional assistance the company may need in implementing the recommendations contained in the assessment report. The follow-up visits are also the method WRAP uses to obtain economic and environmental performance results that can be attributed to the original assessment's recommendations.

For the past year, five of the twelve part-time WRAP positions have been vacant despite several attempts to find qualified candidates using conventional hiring mechanisms. This has placed great stress on the program's ability to coordinate and perform follow-up assistance. This resource deficit has negatively impacted customer service. It has also impaired WRAP's ability to document the economic and environmental benefits customers have realized through the

pollution prevention practices that are outcomes of WRAP's assistance service. These results are important to communicate to stakeholders and legislators in order to secure continued funding.

The National Older Worker Career Center, a nonprofit agency, operates the Senior Environmental Employment (SEE) Program. The program serves a diverse group of individuals age 55 and over who are retired, semi-retired, or unemployed and want to continue as productive members of their communities. The SEE Program now serves approximately 800 workers in 29 locations nationwide including four positions with DNR's Air Quality Bureau.

**BENEFITS:** The National Older Worker Career Center has demonstrated that it has the experience and expertise to recruit individuals qualified to fulfill the responsibilities of technical job assignments similar to the WRAP engineering specialist position described herein. A position dedicated to coordinating and participating in WRAP's onsite assessment and follow-up services will greatly increase customer service capabilities.

If no qualified candidate is identified during this recruitment process, the only obligation the Department has to the National Older Worker Career Center is compensation for the administrative costs incurred during this effort. The ultimate hiring decision rests solely with the Department.

Ms. Christiansen explained details of the contract noting that this would eliminate the six part time positions and replace them with two full time positions in the WRAP program

Brief discussion followed.

*Motion was made by Gary Priebe to approve the contract amendment with National Older Workers Career Center. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACT WITH ISU – IOWA LAKES SURVEY 2000**

Bernie Hoyer, Section Supervisor, Water Monitoring Section, presented the following item.

The Department requests Commission approval of a \$475,000 contract with Dr. John Downing and the Iowa State Water Resources Research Institute for lake monitoring services for the time period of May 1, 2000 through June 30, 2001. The contract is titled: Iowa Lakes Survey, 2000.

The purpose of this contract is to collect and analyze a wide variety of water quality parameters from 132 publicly owned lakes throughout Iowa. This data will be used to understand lake water quality, spatial and temporal variability, and to identify and understand water quality trends. The contract will also help assess impairment and provide a basis for planning water protection activities for each lake. This is the first of five annual contracts proposed. Subsequent contracts will be for approximately \$350,000 annually.

Funding for this contract will be obtained from the state funds allocated by the Governor's water quality monitoring initiative.

Mr. Hoyer stated that the Department is requesting approval of three new contracts which overlap with the Natural Resource Commission. He related that a decision was made by Larry Wilson to bring the Water Monitoring Program monies through the EPC. He provided a history of previous lake studies. Mr. Hoyer stated that in the monitoring program staff needs to be sure that it is measuring change and what needs to be done. This program proposes to monitor 132 lakes three times during the summer and will continue on for five years, so staff can describe the water quality and kinds of algae present for a sequence of years to look at the variability. He related that the TMDL Program will benefit from the data as a basis for looking at TMDL's for many lakes, and the 319 NPS Program would be able to use it for reprioritizing lakes and the basins that drain to them. He introduced Dr. John Downing of ISU.

Gary Priebe inquired whether staff doing the monitoring would be making trips to the same place several times, under each of the three contracts.

Mr. Hoyer indicated that would not happen, adding that the beach monitoring would be done by staff at the parks, and the limnological work sampling will be done by the specialists from ISU.

Discussion followed regarding how the information will be compiled, reported and distributed once it is gathered.

*Motion was made by Rita Venner to approve the Contract with ISU for the Iowa Lake Survey, 2000. Seconded by James Braun. Motion carried with Darrell Hanson abstaining due to a business conflict of interest.*

**APPROVED AS PRESENTED**

## **CONTRACT WITH UNIVERSITY OF IOWA UHL – STATE PARK BEACH BACTERIAL ANALYSES 2000**

Bernie Hoyer, Section Supervisor, Water Monitoring Section, presented the following item.

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$40,000 for the time period of May 2000 through September 2000. The contract is titled: State Park Beach Bacterial Analyses, 2000.

The purpose of this contract is to obtain data on bacteria present in the water of all beaches at state parks throughout the primary use season, May 22 through September 15. Fecal coliform, Enterococci, and Escherichia coli bacteria will be evaluated weekly to assess the levels of bacteria present in water at our beaches. Four beaches will be sampled daily for a 45-day period

including the Memorial Day and Fourth of July holiday weekends in order to further determine the variability of bacteria levels and possible factors that influence bacteria levels.

Funding for this contract will be obtained from the state funds allocated by the Governor's water quality monitoring initiative.

Mr. Hoyer reviewed details of the contract noting that samples would be taken at state park beaches twice a day for 45 days. He related that the purpose is to assess variability to see how quick the bacterial levels change. He added that it is not being done to close beaches but rather to understand what jeopardy there may be to some of the beaches.

Chairman Townsend asked which beaches are involved in this project.

Mr. Hoyer noted that the lakes to be sampled are Lake MacBride, Lake Ahquabi, Black Hawk Lake and Big Creek. He related that the results would be immediately on the web through the Parks Division site on the DNR web page, adding that it would also be stored on a database.

Rita Venner asked if the beach is not acceptable due to sampling, if the staff would close the beach or put it off limits, such as happened at Clear Lake last year.

Mr. Hoyer stated that is possible but is not the primary intention, adding that based on what has been seen so far it is not expected to see really high levels, nor to see them persist.

*Motion was made by Rozanne King to approve the contract with the University of Iowa UHL for State Park Beach Bacterial Analyses, 2000. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

### **Susan Rigdon (C.R. landfill)**

Susan Rigdon, Ely, reminded the Commission that she provided information to them in the past regarding the proposed Bluestem landfill and hoped they took time to look at it. She related that she knows the Department needs to site landfills but also need to protect the natural resources. She noted that an archaeological study has been done on the area involved and five out of 14 sites are qualified to be on the National Register, several of which would be on the footprint of the area where they are planning to put the garbage. Ms. Rigdon asked the Commission to keep that in mind. She stated that it is incomprehensible to think that the city would believe that it is a good place for a landfill. She noted that the same information was given to the Bluestem board and they are continuing to go forward with the landfill anyway.

**Bernita Rozinek (C.R. landfill)**

Bernita Rozinek, Ely, stated that when Bluestem made their proposal to the City Council they said there were two dry run creeks, one running on each side of the footprint. She related that after the City Council voted for the local approval, she and a friend talked to the consultant from Foth & Van Dyke, and she told him about her concerns with the dry run creek that has water in it year around. She noted that at that time, after the City had given approval, he admitted it is a perennial stream. Ms. Rozinek said that at the last Bluestem board meeting they brought in Tim Hall, Foth & Van Dyke, to explain the streams to her. She displayed a map showing where Mr. Hall drew the lines on both sides of the stream, and noted that he failed to draw the ones on the footprint that also feed to the outside. She stated that she received a letter from Bluestem asking permission to come on her property to investigate a stream/wetland complex that borders her property and Bluestem property. Ms. Rozinek added that now the dry run creeks have become a "stream/wetland complex." She stated that now she wonders how much other mis-information has been given to the EPC.

**Anita Maher-Lewis (College Creek)**

Anita Maher-Lewis, Ames, spoke about College Creek noting that her property backs up to College Creek. She related that she lives three blocks from where the creek discharges and that she did some testing near the West edge of the City of Ames to confirm that the stream is polluted. She noted that the creek contains high levels of fecal coliform and organic materials associated with residential and commercial waste discharges. Ms. Maher-Lewis related that the DNR has identified four facilities that are exceeding, or have exceeded, in recent months, the allowable discharge limitations for their wastewater discharge permit. She noted that as a result of these discharges aquatic life has been severely impacted resulting in a poor aquatic habitat and is incapable of supporting the typical residential recreational activities associated with such an urban stream. She stated that the residents should have been notified that the DNR was having problems getting those polluters to conform with their permits. She expanded on the pollution issue. Ms. Maher-Lewis said the DNR has now has an accelerated enforcement effort which the College Creek Action Committee does not think it is aggressive enough. She requested that the Commission encourage staff to accelerate enforcement on all of the polluters. She noted that Steve Veysey will request a reclassification of the stream as a General Use segment to what it is actually used for, rather than wait until rules are passed.

**Steve Veysey (College Creek)**

Steve Veysey, Ames, distributed a paper about College Creek and Iowa Water Quality Standards and noted that it is a personal summary on EPA and Water Quality Standards. He added that the summary contains quotes from EPA to IDNR about Iowa Water Quality Standards related to bacteria criteria and where those standards do not effectively meet what EPA requires for bacteria criteria. He noted that there are also a lot of quotes from a document called The Implementation Strategy for Bacteria Criterion for Surface Waters. Mr. Veysey said General Use streams have no protection except narrative standards and he believes there has never been an enforcement action based upon a violation of a narrative standard. He related that College Creek,

from an aquatic life standpoint, would typically be a Class B Limited Resource stream, and the only protection for human contact seems to be protected for secondary contact recreation. He added that there is no criteria listed in the Iowa Water Quality Standards for Class B streams, as to what this protection actually means. Mr. Veysey said it is not clear whether the “secondary contact protection” in the current standards refers to illness caused by ingestion or if it is simply limited to skin irritation because of extremes of pH. He related that it used to be clear because there was a number in the standards related to secondary contact recreation and it referred to ingestion of water, but that was removed in the mid-80’s by the EPC. He read a number of quotes from EPA in regard to beneficial uses and secondary contact uses. Mr. Veysey stated that before he can proceed with a use designation request on College Creek he needs a clarification from the Commission or Mike Murphy as to what the clause means, in the Iowa Code, in regard to “protected for secondary contact uses.”

### **CONTRACT WITH UNIVERSITY OF IOWA UHL – VARIABILITY OF THREE SURFACE WATER SITES 2000**

Bernie Hoyer, Section Supervisor, Water Monitoring Section, presented the following item.

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$43,000 for the time period of May 2000 through September 2000. The contract is titled: Variability of Three Surface Water Sites, 2000.

The purpose of this contract is to obtain water quality data from three streams draining basins of different sizes. This data will be used to establish the variability of several parameters including the common herbicides, nitrate, ammonia, total phosphorus, soluble phosphorus and fecal coliform bacteria. This information will be used to assess the variability of contaminants as measured in our existing 60-station, fixed monitoring network across Iowa. Water samples will also be collected for analysis of a relatively new herbicide, isoxaflutole (trade name, Balance). Laboratory analysis for isoxaflutole will be conducted separately by the registrant at an estimated cost to the registrant of \$67,500.

Funding for this contract will be obtained from the state funds allocated by the Governor’s water quality monitoring initiative.

Mr. Hoyer stated that in monitoring one thing that the monitoring staff have to be aware of is new products. He noted that a new herbicide product by the name of “isoxaflutole,” with a trade name of Balance can be analyzed only by the company who sells it. He related that they analyze the product for free if someone does the sampling. Mr. Hoyer explained that this year, as part of the contract with UHL, their staff will collect a sample from each of the 60 sites for three months and send them off to the company. There are also three sites close to Iowa City where the GSB staff will collect samples daily. He related that they are wanting to see how quickly the product changes and at what concentrations. He noted that variability is very important to assessing the samples, and those three sites were selected because they are different size basins and respond somewhat different in time.



Rita Venner asked how long it would take to filter down through the ground since this is a dry year and the tile lines are not running right now, and how effective the tests would be.

Mr. Hoyer responded that if the weather stays very dry the contract will probably be terminated. He related that the contract is basically for services, so the money is not paid if samples are not sent in.

*Motion was made by Darrell Hanson to approve the contract with University of Iowa UHL for Variability of Three Surface Water Sites, 2000. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **UPDATE ON WATER QUALITY MONITORING PROGRAM**

Bernie Hoyer, Section Supervisor, Water Monitoring Section, presented the following item.

Water monitoring is recognized as a significant part of a comprehensive water resources program. Increased emphasis on water resources has provided significant improvements to our current monitoring and, and these will be further improved as we move into next year.

In FY2000, substantial stream monitoring improvements are being implemented. Improvements include an increase in the number of monitoring sites, improvements in geographic distribution, increased sampling frequency, and an increased number of chemical parameters especially related to pesticides and other priority pollutants. Biological monitoring techniques are being expanded, and the monitoring of water at state beaches has begun. Citizen monitoring efforts have been enhanced through the IOWATER program. Data management improvements have begun, but this area continues to be a challenge. STORET, EPA's national centralized database system for water quality data has been discarded. In its place, we have just begun implementing locally a new, distributed STORET water quality database. Sample site information is being entered into the system, and DNR monitoring data from 1999 and 2000 will be the first data loaded into the new system. Data management may be our biggest challenge, but we expect data will be accessible through the Internet within one year.

Six of the seven new staff positions allocated for the enhanced monitoring program have been hired. The Environmental Specialist and Geologist positions have been filled; the database manager position remains open. A Training Officer position was filled as IOWATER coordinator.

Planning has been the major activity this past year. Two panels, the Water Monitoring Advisory Task Force and the Technical Advisory Committee joined DNR staff in developing the Water Monitoring Plan 2000 to guide future monitoring efforts. This plan identifies a mission and goals, and identifies important principles that our monitoring program should follow. The plan emphasizes developing a scientific description of ambient water quality conditions throughout

the state and emphasizes the identification of water quality trends and changes. The plan outlines priority for inland streams, lakes and groundwater resources. It identifies approximately \$6,500,000 in annual monitoring costs. Based on current federal programs, state funds would supply approximately 80% of this total.

Mr. Hoyer stated that until this year all of the money for surface water monitoring came from EPA, adding that \$1,000,000 was appropriated for this fiscal year and some of the contracts just approved by the Commission were from those funds. He explained that staff is attempting to fill in some data gaps on surface water monitoring and expanded on that issue. He updated the Commission on the efforts made with the water quality monitoring program. He noted that over 40 various groups were represented on the Water Monitoring Advisory Task Force and the Technical Advisory Committee. Mr. Hoyer related that the primary purpose of the program is to define the conditions of Iowa's water resources and make them scientifically valid. He added that the priority is on data collection, followed by data management and then to coordinate efforts with other entities, and he expanded on each of these areas. Mr. Hoyer stated that EPA is going to use Iowa as one of two test states to help get the data base up and running. He noted that last year Jack Riessen gave a presentation to the Commission and estimated that this program would cost between 2-5 million dollars, and it is now estimated to take about \$5,000,000 of state money each year, and that would be partnered with approximately \$1,500,000 in federal money.

Gary Priebe spoke about coordinating with other states noting that it does not do Iowa any good to clean up the water if it is coming in from other states.

<b>INFORMATIONAL ONLY</b>
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### **APPROVAL - AMENDMENT TO UHL AGREEMENT FOR ENVIRONMENTAL MONITORING & LAB SERVICES (IOWATER)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for an amendment to the 2000 Environmental Monitoring and Laboratory Services with the University of Iowa Lab (UHL) that would increase the contract amount by \$100,000.

The purpose of the amendment is to expand the citizen monitoring portion of the IOWATER program by providing funding for 14 volunteer monitoring workshops throughout Iowa. These workshops will teach citizens interested in water monitoring appropriate physical, chemical and biological stream monitoring techniques. Workshops will also include instruction regarding interpretation of data and data quality assurance and quality control. In addition, funding will be used to provide monitoring equipment used for demonstrations during the workshops.

Funding for this amendment will be from SFY00 water quality monitoring funds provided by the 1999 General Assembly.

Mr. Valde explained details of the program and then introduced Rich Leopold, Coordinator of the IOWATER Program.

Rozanne King inquired as to the composition of the volunteers to the program.

Mr. Leopold stated that there is a wide diversity of people involved which includes a mix of professionals and volunteers from many groups. He related that some of the groups are county conservation boards, soil and water conservation districts, Farm Bureau members, city and county workers, high school and college students, etc., as well as many members of the public. He noted that a lot of them are beginning to form coalitions or watershed based teams.

Brief discussion followed.

*Motion was made by Darrell Hanson to approve the Agreement Amendment with UHL for Environmental Monitoring & Lab Services for the IOWATER program. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Contested Case Status Report
- 7.

## RULEMAKING STATUS REPORT

Proposal	Notice to Comm	Notice Publish	ARC #	Rules Review Comm	Hearing	Comment Period	Final Summary to Comm	Rules Adopted	Rules Publish	ARC #	Rules Review Comm	Rule Effective
1. Ch. 22 – Revised Cap – Title V Permits							5/15/00	*5/15/00	*6/14/00		*7/05/00	*5/26/00
2. Ch. 22 – Revised Cap – Title V Permits	5/15/00	*6/14/00		*7/05/00			*8/21/00	*8/21/00	*9/20/00		*10/05/00	*10/25/00
3. Ch. 22 – 25 – Air Quality Program Rules	5/15/00	*6/14/00		*7/05/00			*8/21/00	*8/21/00	*9/20/00		*10/03/00	*10/25/00
4. Ch. 40, 41, 42, 43, 81, 83 – Water Supply, Operator Certification												

and Environmental Lab Certification	5/15/00	*6/14/00		*7/05/00			*8/21/00	*8/21/00	*9/20/00		*10/03/00	*10/25/00
5. Ch. 61 - WQ Standards - Nationwide Permits	10/18/99	11/17/99	9478A	12/14/99	12/10/99	12-20-99	5/15/00	*5/15/00	*6/14/00		*7/05/00	*7/19/00
6. Ch. 61 - WQ Standards	4/17/00	5/17/00		*6/05/00	*6/08, 12, 15, 16/00	*6/30/00	*7/17/00	*7/17/00	*8/09/00		*9/04/00	*9/13/00

### VARIANCE REPORT April 2000

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Nora Springs, City of	Air Quality	Cassandra Hage, City Administrator	Landscape Waste	Approved	04/14/00
2	Blockton, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Valve Pit	Approved	04/03/00
3	Blockton, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Manhole Spacing	Approved	04/03/00
4	Blockton, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Pond Influent Piping	Approved	04/03/00
5	Blockton, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Number of Lagoon Cells	Approved	04/03/00
6	Blockton, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Influent Line Termination	Approved	04/03/00
7	Blockton, City of (Southern Iowa Rural Water Association)	Wastewater Construction	Howard R. Green Co.	Inter-Cell Control Structures	Approved	04/03/00
8	Sloan, City of	Wastewater Construction	Rose Engineering	Sewer Grade	Approved	04/11/00
9	Adair-Casey School District-Adair County	Watersupply Construction		System Operation	Approved	04/26/00

### HAZARDOUS SUBSTANCE/EMERGENCY RESPONSE REPORT

During the period April 1, 2000, through April 30, 2000, 95 reports of hazardous conditions were forwarded to the central office.

A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Substance					Mode					
Month	Total Incidents	Agri-Chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other
October	62 (50)	6 (7)	48 (25)	5 (14)	32 (24)	23 (18)	1 (2)	2 (0)	0 (0)	4 (6)
November	64 (56)	10 (7)	38 (35)	15 (7)	26 (25)	30 (28)	1 (2)	3 (0)	1 (0)	3 (1)

December	67 (35)	10 (4)	40 (20)	17 (7)	23 (12)	34 (18)	1 (2)	4 (0)	0 (0)	5 (3)
January	42 (39)	4 (0)	28 (18)	9 (8)	13 (7)	25 (30)	1 (0)	0 (0)	0 (0)	3 (2)
February	64 (54)	2 (3)	32 (28)	30 (9)	14 (22)	47 (29)	0 (1)	0 (0)	1 (0)	2 (2)
March	96 (56)	20 (10)	64 (33)	12 (5)	43 (24)	45 (24)	2 (1)	0 (0)	0 (0)	6 (7)
April	95 (81)	33 (23)	33 (37)	29 (8)	29 (40)	55 (36)	0 (1)	0 (0)	3 (0)	8 (4)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	490 (371)	85 (54)	283 (196)	117 (58)	180 (154)	259 (183)	6 (9)	9 (0)	5 (0)	31 (25)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
17	6	10	9	37	16

**MANURE RELEASES REPORT**

During the period April 1, 2000, through April 30, 2000, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

<u>Month</u>	<u>Total Incidents</u>	<u>Feedlot</u>	<u>Confinement</u>	<u>Land Application</u>	<u>Transport</u>	<u>Hog</u>	<u>Cattle</u>	<u>Fowl</u>	<u>Other</u>	<u>Surface Water Impacts</u>
October	6 (0)	0 (0)	3 (0)	2 (0)	1 (0)	6 (0)	0 (0)	0 (0)	0 (0)	2 (0)
November	4 (0)	0 (0)	2 (0)	1 (0)	1 (0)	3 (0)	1 (0)	0 (0)	0 (0)	0 (0)
December	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	14 (0)	0 (0)	7 (0)	4 (0)	0 (0)	11 (0)	2 (0)	0 (0)	0 (0)	2 (0)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	1	0	0

**ENFORCEMENT STATUS REPORT**

The following new enforcement actions were taken last month:

<b><u>Name, Location and Field Office Number</u></b>	<b><u>Program</u></b>	<b><u>Alleged Violation</u></b>	<b><u>Action</u></b>	<b><u>Date</u></b>
Sky Line Inn, Dubuque (1)	Drinking Water	MCL – Bacteria; Public Notice	Order/Penalty \$500	4/03/00
Coastal Mart, Inc., West Des Moines, Des Moines, Davenport Bettendorf (5 & 6)	Underground Tank	Remedial Action	Order/Penalty \$3,500	4/03/00
Martin Marietta Materials, Inc., Ames (5)	Air Quality	Emission Standards	Order/Penalty \$5,000	4/03/00
Country Hills Water Corp., Peosta (1)	Drinking Water	Monitoring/Reporting Bacteria; Public Notice –	Order/Penalty \$500	4/03/00
Jack Pinney Operations, Inc., aka Jack Pinney Grading, Sioux City (3)	Air Quality	Fugitive Dust	Consent Amendment	4/03/00
Steven Reimers, Schaller (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment	4/03/00
Don Casterline; Myron Casterline d/b/a J & L Co., Van Wert (5)	Underground Tank	Site Assessment; Closure Report	Order/Penalty \$2,000	4/10/00
John Deere Waterloo Works, Waterloo (6)	Air Quality	Construction Without Permit	Order/Penalty \$7,000	4/14/00
Heinz U.S.A., Muscatine (6)	Air Quality	Construction Without Permit	Order/Penalty \$5,000	4/14/00
Wendy Oaks Mobile Home Park, Cedar Rapids (1)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate, Other Organics; MCL – Bacteria –	Order/Penalty \$1,500	4/13/00
Shelby's Hazelton (6)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate; MCL - Bacteria –	Order/Penalty \$500	4/14/00
Duck's Bar & Grill, Aredale (2)	Drinking Water	Permit Renewal Fees	Order Rescinded	4/14/00
Ralene Hawkins d/b/a R.J. Express Salvage and Demolition, Burlington (6)	Solid Waste	Illegal Disposal	Referred to AG	4/17/00
Randy Harbach d/b/a Randy's Sanitation, Delhi (1)	Solid Waste Air Quality	Illegal Disposal; Open Burning	Referred to AG	4/17/00
Jim Ledenbach d/b/a Paper Recovery Co., Cedar Rapids (1)	Solid Waste	Illegal Disposal	Referred to AG	4/17/00

Guardian Industries Corp., DeWitt (6)	Air Quality	Operating Without Permit; Emission Standards; Operational Violations	Referred to AG	4/17/00
Iowa Select Farms, L.P., Clarke Co. Sow Unit #20, Jernquist Nursery, Clarke & Ringgold Co. (4)	Animal Feeding Operation	Prohibited Discharge; Failure to Retain	Referred to AG	4/17/00
Indian Creek Corp., Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to AG	4/17/00
Iowa Air National Guard – 185 <sup>th</sup> Fighter Wing, Sioux City (3)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	4/24/00
Minnesota Mining and Mfg. Co. d/b/a 3M Knoxville (5)	Air Quality	Construction Without Permit	Amended Order	4/24/00

**ATTORNEY GENERAL REFERRALS**

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99
Affordable Removal, Inc.; Jeffrey Intelkofer Iowa City <b>UPDATED</b>	Asbestos  Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/20/00 4/19/00
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Permit	Without Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 6/08/00
Citizens Against Golden Oval Winnebago Co. (2) <b>UPDATED</b>	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay Petition for Stay Denied Hearing Ruling for State	8/20/99 9/07/99 9/07/99 9/07/99 10/05/99 3/08/00 4/06/00
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J.	Animal			Referred	8/18/97

May 2000

## Environmental Protection Commission Minutes

Nursery Unit #4 Wright Co. (2)	Feeding Operation	Prohibited Discharge	Referred to Attorney General	Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal Defendant's Brief State's Brief	3/20/98 3/16/99 3/30/99 5/28/99 6/24/99 11/01/99 2/04/00
DeCoster, Austin J. Nursery M-1 Lucas Co. (5) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Consolidated with Nursery M-1 (See Below)	11/16/98 4/24/00
DeCoster, Austin J. Nursery M-1 Lucas Co. (5) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Discharge	Referred to Attorney General	Referred Petition Filed	12/20/99 4/24/00
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	10/18/99 03/17/00
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing Ruling for State Notice of Appeal	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99 11/18/99 12/07/99
Guardian Industries Corp. DeWitt (6) <b>NEW</b>	Air Quality	Operation Without Permit; Emission Standards; Operational Violations	Referred to Attorney General	Referred	4/17/00
Harbach, Randy d/b/a Randy' Sanitation Delhi (1) <b>NEW</b>	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred	4/17/00
Hawkins, Ralene d/b/a R.J. Express Salvage and Demolition Burlington (6) <b>NEW</b>	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/00
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Hollingsworth, Daryl & Karen Indianola (5)	Underground Tank	Financial Responsibility	Order/Penalty	Referred Motion for Default Judgment Hearing	10/18/99 2/17/00 4/17/00

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UPDATED					Order (\$10,000/Admin.)		4/17/00
Huyser, James; Trust	Underground Tank	Site Assessment	Referred to Attorney General	Referred	Petition Filed	Dismissed for Lack of Service	11/21/94 4/18/96 9/20/96 9/20/96
Trucking Lovilia (5)					Bankruptcy Petition Filed		
Indian Creek Corp. Jasper Co. NEW	(5) Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred			4/17/00
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred			10/18/99
Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. NEW	(4) Animal Feeding Operation	Prohibited Discharge; Failure to Retain	Referred to Attorney General	Referred			4/17/00
Klynsma, Norman d/b/a OK One Stop Service Hospers (3)	Underground Tank	Site Assessment	Order/Penalty	Referred			3/20/00
LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred			3/15/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred			5/17/99
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1) NEW	Solid Waste	Illegal Disposal	Order/Penalty	Referred			4/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Permit	Without	Referred to Attorney General	Referred	Petition Filed	8/17/98 11/05/99
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred	Petition Filed	Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed	Answer Filed		11/05/99 11/29/99

Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Polk Co. (5) <b>UPDATED</b>	Solid Waste	Permit Violations	Order/Permit Revocation	Judicial Review Petition Filed Ruling for State Notice of Appeal Supreme Court Affirmed	12/21/97 6/12/98 7/19/98 4/26/00
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6)	Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred	3/20/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Swine Graphics Enterprises, Inc. Tama Co. (5)	Animal Feeding Operation	Manure Management Plan; Manure Over- Application; Animal Weight Exceedance	Referred to Attorney General	Referred	3/20/00
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal Motion for Summary Judgment Hearing Ruling Denying Motion for Summary Judgment	8/12/98 10/08/98 12/22/98 1/27/00 2/22/00 3/16/00
Walker, Jim Iowa City (6) <b>UPDATED</b>	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing Order (\$2,000/Admin.)	10/18/99 1/25/00 3/30/00 3/30/00
Weber Construction, Inc. Cascade <b>UPDATED</b>	(1) Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing Ruling for State Notice of Appeal	11/19/98 12/23/98 8/24/99 8/31/99 9/27/99

				Dismissed	4/28/00
White, Robert Jeff	Air Quality;	Open Burning;		Referred	4/20/98
White, Dave	Solid Waste	Illegal Disposal	Order/Penalty	Petition Filed	2/05/99
Dallas Center (5)				Dismissed Without Prejudice	9/24/99
				Petition Against Dave White Filed	11/15/99
				Answer Filed	12/06/99
				Referred	1/17/95
Wunschel Oil Co.; Vernus				Motion for Judgment	8/28/96
Wunschel	Underground		Referred to	Consent Decree (\$6,400/Admin.)	12/13/96
and Jaquelyn Wunschel	d	Site Assessment	Attorney General	Referred	3/30/98
Battle Creek (3)	Tank				
Zook, Russell d/b/a Haskins	Air Quality	Open Burning;			
Recycling	Solid Waste	Illegal Disposal	Order/Penalty	Referred	5/17/99
Ainsworth (6)					

### CONTESTED CASES

Date Received	Name of Case	FO	Action Appealed	Program	Assigned To	Status
6/08/89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau 12/1/99.
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Murphy	Settlement offer to be renewed 3/00.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Murphy	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99. Revised closure permit application submitted 9/15/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating within bankruptcy proceeding.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin. Order	UT	Wornson	Revised Tier 2 approved. CADR due 6/2/00.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Tier 1 completed – awaiting receipt.
8/29/94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal..
9/26/94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 3/31/00 – Status requested from Dept. engineer concerning issuance of permit.
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to

						provide status report regarding TSS permit limit by 9/20/96. 12/28/99 Dept. letter to facility attorney regarding setting appeal for hearing and also resolution of the appeal. 1/24/00 – Letter from WW attorney concerning settlement. Additional time requested to resolve issues raised by appeal. 2/22/00 Dept. response to attorney regarding hearing. 2/25/00 – Sent to DIA to be set for hearing. 3/8/00 – Hearing set for 5/19/00. Petition filed with DIA 3/28/00. 4/17/00 – Answer filed with DIA.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5/25/95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Settlement offer made 12/16/99.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10/17/95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. ALJ decision upheld. Petition for review 11/19/98. District Court affirmed final agency action 8/31/99. Appealed to Supreme Court 9/27/99. Appeal dismissed 4/26/00. Closed.
12/12/95	Vernon Kinsinger, K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3/14/96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section. 4/27/00 Per wastewater section and F.O. 5, order can be closed.
3/14/96	Lamoni, City of	5	Admin. Order	WW	Hansen	12/20/99 Dept. letter with new waste load allocation and ammonia nitrogen limits for treatment facility. 1/26/00 – Letter to facility engineer regarding whether construction schedule needed due to new WLA and new effluent limit and setting appeal for hearing. 2/21/00 – Letter from engineer including compliance schedule in response to FO 5. 3/22/00 – Dept. accepted settlement offer from City engineer. Offer to be finalized in consent order with schedule and penalty.
3/22/96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance. 2/1/00 Status report on compliance requested of FO 6. 2/2/00 – Facility has returned to compliance. 2/24/00 – Settlement offer sent to MHP. 4/5/00 – Follow-up letter to facility regarding settlement.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for

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						decision.
6/07/96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing. Settlement meeting set for 11/17/99. Hearing set for 12/14/99.
6/10/96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6/10/96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Affirmed 4/26/00. Case closed.
12/05/96	Organic Technologies Corp. ---- 91-SDP-02-94P	5	Admin. Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Affirmed 4/26/00. Case closed.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 - Appeal to be closed. New owner.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 Dept. settlement offer to water supply.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette County. Hearing for Iowa Waste Systems held 4/5/00.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant. 2/1/00 - Status report on WW compliance requested from FO 3. 2/28/00 - Settlement offer sent to attorney. 3/28/00 - City attorney letter received. 3/29/00 - Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 - Dept. meeting with City attorney and officials to discuss settlement.
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan. Hearing set for 3/29/00. 2/21/00 - Settlement offer presented to City. 2/28/00 - City's counter offer received. 3/29/00 - Settled. Agreement to be finalized in consent order. 4/28/00 - Consent order sent to City for signatures.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 - Status report requested of FO. 3/2/00 - Status report received. 4/28/00 - Letter to WS concerning resolution of appeal.
4/03/98	Pictured Rocks Methodist Camp		Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98 3/1/00 Status report requested of FO. 3/31/00 Settlement offer to water supply. 4/20/00 - Response from WS attorney. 4/27/00 - Dept. response. Settled. Awaiting penalty payment.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	1/27/00 - Letter to WS concerning setting appeal for hearing. 2/18/00 - Response received from WS. 2/21/00 - Sent to DIA to be set for hearing. 3/2/00 DIA set hearing for 5/5/00. 4/24/00 - Letter received from WS withdrawing appeal. Closed.
7/29/98	Archer Daniels Midland A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Settlement close.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.

10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal.
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue. Tier 1 submitted 10/14/99. Awaiting review.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	Hearing set for 6/1/00.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	Settled. Penalty payment received. Closed.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4. Public notice posted. 12/29/99 WS to connect to regional water by Spring 2000. 3/27/00 Per regional water motel to be connected third week April. 4/11/00 – Dept. sent settlement offer.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	Default judgment entered. Abatement agreement signed. Penalty will be forgiven upon compliance with abatement agreement.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99. Further studies 4/00.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Proposed decision 1/7/00. \$2,250 penalty imposed. Decision final. Case closed.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	4/00 – City progressing on facility improvements. Will monitor for progress.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18/ & 19/99. Settled. Administrative consent order with penalty agreed upon. 2/10/00 – Admin. Consent Order sent to facility for signatures. 2/29/00 – No response received. 4/5/00 – Dept. requested hearing be rescheduled since no agreement reached on consent order. 4/14/00 – Hearing set for 6/26, 27 and 28/00.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon. 2/10/00 – Admin. Consent Order sent to facility for signatures. 2/29/00 – No response received. 4/5/00 – Dept. requested hearing be rescheduled since no agreement reached on consent order. 4/14/00 – Hearing set for 6/26, 27, and 28/00.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Second settlement meeting held 8/18/99. Hearing procedure on hold pending outcome of task force.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	Compliance initiated by City. To be set for hearing regarding penalty. 1/28/00 – Compliance status report received from FO 2. 2/7/00 – Letter to City advising appeal be set for hearing. 2/18/00 – Sent to DIA to be set for hearing. 3/00 – Hearing set for 4/26/00. 4/17/00 – Dept. met with City attorney and officials concerning order and penalty. 4/20/00 – Hearing reschedule for 6/14/00 due to schedule conflict with Dept. witness.
4/08/99	<del>Fayette County Sanitary Landfill</del> Iowa Waste Systems	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette Co. Hearing held 4/5/00 for Iowa Waste Systems.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Hearing continued to 4/21/00. Settlement received. Payment plan started..
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure on hold pending outcome of task force.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies. Chlorination installed at WS. 1/28/00 – Dept. letter concerning compliance status and setting appeal for hearing. 2/29/00 – Sent to DIA to be set for hearing. 4/14/00 – Hearing set for 7/14/00.
5/06/99	Hargrave McLeleny, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued. 2/2/00 – Dept. to contact WS concerning lead and copper sampling. 3/29/00 – Dept.

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						engineer requested two more rounds of sampling to be conducted by 7/30/00.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 1/31/00. 2/04/00 – Evaluating additional information.
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Amended AO issued 3/30/00. Settled. Awaiting penalty payment.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	Hearing set for 5/16/00.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Penalty paid 4/12/00. Closed.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winneshek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/13/99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin. Order/Penalty	AQ	Brabec	Awaiting letter from company to rescind penalty.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/24/99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin. Order/Penalty	AQ	Tack	Hearing set for 5/26/00.
9/29/99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	5/1/00 – Construction completed; demand will be made.
9/29/99	Armstrong, City of	3	Admin. Order/Penalty	WS	Hansen	City has agreed to take action required by order for installation of treatment. 10/14/99 – City completed lead education program. 10/13/99 – Dept. issued construction permit. 12/28/99 – Call from City – construction nearly complete. 1/25/00 – WS returned to compliance. Dept. settlement offer sent to City. 2/9/00 – City response rejecting settlement offer. 2/17/00 – Letter to City regarding setting appeal for hearing. 2/29/00 – Sent to DIA to be set for hearing. 3/29/00 – Dept. received notice of withdrawal of appeal from City attorney. Settled. 4/10/00 – Penalty paid. Closed.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/11/99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	Settled. Awaiting penalty payment.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
10/12/99	Brown Bottle Restaurant	1	Admin. Order/Penalty	WS	Hansen	WS submitted preliminary engineering report regarding nitrate reduction. WS to install an ion exchange unit. Still need to submit construction permit applications and a schedule. Report dated 10/29/99 submitted to Dept. Review completed by Dept. WS engineer. Facility engineer to submit construction permit application and schedule. 1/3 and 1/26/00 – Dept. requested iron and sulfate test. When test results are received Dept. will set due date for submittal of P & S. 2/28/00 – Dept. letter requiring iron and sulfate tests and submittal of plans and specifications for nitrate removal system by 3/10/00. 3/21/00 – Dept. engineer received and reviewed plans and specifications. Awaiting iron test results.
10/14/99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	Hearing set for 5/25/00. Settled. Awaiting penalty payment.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/19/99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	12/99 – Facility closed for the season. Chlorination facilities approved. Will check status in Spring 2000.
10/19/99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	4/13/00 - Hearing continued indefinitely..
10/22/99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Site inspected for compliance 12/10/99.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settlement offer sent 3/22/00.
11/12/99	Oseola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.

11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/01/99	Iowa Select Farms, L.P./AG	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Waste Consultants, Inc.					
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	Hearing rescheduled for 8/04/00.
12/13/99	Hog Slat	2	Admin. Order/Penalty	AQ	Brabec	Settled. SEP received. Closed.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 3/22/00.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 2/22/00.
1/07/00	Ft. Dodge, City of	2	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
1/11/00	Gene Christiansen d/b/a Christiansen Construction Co.	4	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty payment received. Closed..
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/13/00	Mark Shipman	2	Admin. Order/Penalty	AFO	Murphy	Negotiating before filing.
1/13/00	Pine Creek Golf Course	2	Admin. Order/Penalty	WS	Hansen	4/26/00 – Letter to WS concerning required monitoring and public notice.
1/18/00	Four Oaks Farm & Stables	1	Tax Certification Denial	SW	Tack	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	Negotiating before filing.
1/20/00	Solar Transport Co.	2	Admin. Order/Penalty	UT	Womson	Settlement proposal due 5/5/00.
1/21/00	Dave Thompson	2	Admin. Order/Penalty	SW	Tack	Hearing set for 5/31/00.
1/25/00	Bonaparte, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Cleanup to be completed by 7/1/00. Penalty to be negotiated upon completion.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Negotiating before filing.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/10/00	Holland Contracting Corp.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Penalty plan established.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
2/22/00	Red Oak Lanes, Inc.; Richard Culver	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 4/12/00. Settlement reached. Awaiting penalty payment.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/08/00	Textron Inc.	1	Permit Denial	AQ	Brabec	Settled.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/31/00	Larry Maasdam; Kim Ahrends	2	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
4/03/00	Concord Custom Cleaners	6	Admin. Order/Penalty	AQ	Brabec	New case. Settlement close. Awaiting signed consent amendment.
4/05/00	Ainsworth, City of	6	Admin. Order/Penalty	WW	Murphy	New case.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	New case.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	New case.
4/11/00	Kirk Latta	1	Admin. Order/Penalty	WS	Womson	New case.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Womson	New case. Compliance initiated.
4/14/00	Life Line Emergency Vehicles	1	Admin. Order/Penalty	AQ	Brabec	New case.
4/17/00	Delaware Co. Conservation Board	1	Admin. Order/Penalty	WS	Murphy	New case.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	New case.
4/21/00	ALMACO	5	Admin. Order/Penalty	AQ	Preziosi	New case.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	New case.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	New case.

Mr. Valde presented the routine monthly reports.

Brief discussion followed regarding the Martin Marietta case on the enforcement report and the Golden Oval case on the referrals report.

<p align="center"><b>INFORMATIONAL ONLY</b></p>
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## NOTICE OF INTENDED ACTION—CHAPTERS 40, 41, 42, 43, 81 AND 83, WATER SUPPLY, OPERATOR CERTIFICATION, AND ENVIRONMENTAL LABORATORY CERTIFICATION



Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the two attached Notices of Intended Action (NOIAs) that would initiate rulemaking to amend drinking water rules (Chapters 40, 41, 42, and 43), operator certification rules (Chapter 81) and laboratory certification rules (Chapter 83). The operator certification rules are being separated from the other drinking water related rule amendments as they involve, among other changes, fee increases and could potentially be delayed if significant objections are received.

The public drinking water supply and laboratory certification rules are being updated to incorporate new regulations promulgated by the U.S. Environmental Protection Agency (EPA) as well as to make changes required by the EPA as a result of their review of the 1999 drinking water rule changes approved by the Commission. The operator certification rules are being rewritten to reflect new EPA requirements for certified operators at all community and nontransient noncommunity public water supplies, to increase the program fees, add disciplinary actions, and to reorganize the rule for clarity. Chapter 81 was last updated in 1994 and the fees have not been changed since 1983.

The proposed amendments include:

- new and amended definitions;
- grammatical changes;
- analytical methodology updates;
- a disinfectants/disinfection byproducts rule, in accordance with EPA regulations;
- an interim enhanced surface water treatment rule, in accordance with EPA regulations;
- restructuring the operation permit fee rule to:
  - adopt a late fee of \$100.00 for systems which fail to renew their operation permits;
  - allow the director to increase or decrease the operation permit fee by \$0.02 per capita to meet the \$350,000 per year target without requiring EPC approval; and
  - streamline the rule;
- a new public water supply operator certification classification for very small systems (Class A);
- restructuring the water distribution classification grades to match the water treatment grades;
- water distribution system classification grades for rural water systems;
- fee restructuring for the operator certification program;
- education and experience requirements for operator certification;
- defining the director and EPC roles in fee increases and reductions;
- amending the operator-by-affidavit rules to allow such operators to practice at non-municipal systems and to prohibit their practice at Grade III surface water plants (currently none are operating such in Iowa);
- disciplinary actions for certified operators (to be consistent with other EPD requirements);
- a "deadbeat dad/mom" clause to allow for certification revocation when support orders are violated; and
- allowing the use of third-party performance evaluation sample providers for drinking water laboratory certification.

Six public hearings are planned, one in each DNR region of the state.

(a copy of the rules is on file in the Department's Records Center)

Mr. Valde reviewed details of both sets of rules.

Rozanne King commented that there were several references to fee increases and wondered if the fees go to this program, or to the general fund.

Jack Riessen, Bureau Chief, Water Quality Bureau, stated that the drinking water fees paid by utilities and water supplies go into an account for the Department to run the water supply program. He related that the laboratory certification fees go into a separate account that is used to run the laboratory certification program, adding that they do not go to the general fund.

Discussion followed regarding the fees and what kind of revenue it will generate. Mr. Riessen explained the fees and the deadbeat clause.

*Motion was made by Rita Venner to approve the Notices of Intended Action for Chapters 40, 41, 42, 43, 81 and 83, Water supply, Operator Certification, and Environmental Laboratory Certification. Seconded by Darrell Hanson. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACTS WITH SELECTED COUNTIES - SANITARY SURVEYS AND INSPECTIONS FOR TRANSIENT, NONCOMMUNITY PUBLIC WATER SUPPLIES**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Department is proposing to enter into Chapter 28E agreements with three county health departments (one in each of three DNR field office regions) to perform sanitary surveys and other compliance inspections for transient, noncommunity public water supplies (TNC-PWSs). By definition, TNC-PWSs are public water supplies that do not regularly serve 25 or more of the same people over six months per year and include such entities as restaurants, convenience stores, and golf courses that are not connected to community public water supplies.

These agreements are part of a pilot project to evaluate whether such agreements are an efficient and viable approach to carry out a portion of the Department's public water supply duties. The counties involved in the agreements (Black Hawk, Cerro Gordo and Johnson) have extensive, well staffed, environmental health programs and have similar agreements with the Department of Inspections and Appeals to conduct food service inspections. The counties that will be covered under these agreements include Cerro Gordo, Kossuth, Winnebago, Worth, Mitchell, Howard, Floyd, Winneshiek, Hancock, Chickasaw, Wright, Franklin, Webster, Hamilton, and Hardin (Cerro Gordo County agreement); Black Hawk; Butler, Bremer, Fayette, Grundy, Buchanan, Delaware, Benton, Tama, and Poweshiek (Black Hawk County agreement); and Johnson.

Although the three counties will be expected and authorized to conduct inspections and provide technical assistance, the Department will still handle all enforcement actions related to TNC-PWSs. Expected advantages to the Department and counties include the following:

- About  $\frac{3}{4}$  of the TNC-PWSs also have food service licenses. This creates county staff efficiencies because a county inspector is already in the facility at least once a year.
- The counties are expected to do an onsite inspection annually and a full sanitary survey every three years. DNR staff has only been inspecting these facilities an average of once every five years because of staff limitations.
- In most cases, the county is in closer contact with these facilities because they have staff working in the area.
- Training and paying county personnel to participate in this program leverage available state resources, both funds and staff.
- The agreements will assist the counties in funding and maintaining their environmental programs by adding another income source.
- There may be a number of “fugitive” TNC-PWSs and the counties are in a better position to detect and report any such facilities.

Under the agreements, counties will be paid \$150 per year for each active TNC-PWS within their service area. The initial agreements are for a period of three years with a six-year renewal clause. With the known number of TNC-PWSs (264 in the identified counties), it is estimated the initial year’s cost of the three agreements will be \$39,600. Funds for the agreements will come from drinking water program funds.

It is not clear whether Commission approval of 28E agreements is needed. In addition, the total cost of each agreement may or may not exceed \$25,000 over the initial three-year period. Commission approval of all three agreements is being sought to insure that all provisions of the law are being met before the agreements are finalized and recorded as required under Chapter 28E.

Mr. Valde explained the rules in detail.

Darrell Hanson commented that there are counties that do food service inspections having contracted with Inspections & Appeals and it is cost effective to do this, and in those counties the State gave up the contract for doing it, but where it is not cost effective the State does it. He asked if it would it make sense to have the Department do the same work in part of the state that Inspections & Appeals employees are already doing.

Mr. Valde stated that staff would look at ways to leverage our dollars and inspectors.

Rita Venner commented that it is a wonderful way to get local people involved.

*Motion was made by Darrell Hanson to approve the contracts for Sanitary Surveys and Inspections for Transient, Noncommunity Public Water Supplies. Seconded by Rozanne King. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**CONTRACT APPROVAL – LABORATORY CERTIFICATION SERVICES WITH UHL – SFY 200L**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract with the University of Iowa's Hygienic Laboratory (UHL) for Environmental Laboratory Certification services for SFY 2001.

Analytical data to demonstrate compliance with Department programs must be from certified laboratories. The Department administers a laboratory certification program that assures laboratories performing analytical work meet relevant analytical standards and are qualified to analyze samples. The UHL assists the Department in this regard by conducting on-site visits and evaluations of laboratories requesting certification or re-certification. Program areas covered by the laboratory certification program include drinking water, wastewater, and underground storage tanks.

The proposed contract will continue this agreement with UHL.

The amount of the agreement is estimated at \$115,000.00, which is a decrease from the 2000 contract (\$156,060). This decrease is primarily due to the decrease in the number of labs that will need to be certified or re-certified during this contract year. The certification fees paid by laboratories are used to cover the cost of the contract and no state or federal funds are used.

Mr. Valde explained details of the contract.

Gary Priebe asked who certifies the UHL

Rick Kelly, UHL, stated that the UHL goes through a number of certifications such as USGS, EPA and NELA.

<i>Motion was made by Rozanne King to approve the Contract for Laboratory Certification Services with UHL – SYF 2001. Seconded by Rita Venner. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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**FINAL RULE—CHAPTER 61, WATER QUALITY STANDARDS, SECTION 401  
CERTIFICATION OF SECTION 404 NATIONWIDE PERMITS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a final rule that will provide Section 401 water quality certification for for five new Corps' Nationwide Section 404 permits (NWPs) and six modified NWPs. Section 401 water quality certification is a state water quality agency's certification that a proposed activity will not violate state water quality standards and is required before the Corps' new and modified NWPs will be effective in Iowa.

The five new nationwide permits and six modified nationwide permits replace the previous NWP 26 (which expires June 7, 2000). Nationwide Permit 26 has been used extensively in Iowa and other states and environmental groups have criticized the NWP as being too broad. The last time the Corps reissued NWP 26, it agreed to replace the NWP with more activity-specific NWPs. The five new NWPs which will replace NWP 26 are:

<u>NWP</u>	<u>Title</u>
39	Residential, Commercial, and Institutional Development
41	Reshaping Existing Drainage Ditches
42	Recreational Facilities
43	Stormwater Management Facilities
44	Mining Activities

The six modified NWPs include:

<u>NWP</u>	<u>Title</u>
3	Maintenance (of previously permitted structures or fills)
7	Outfall Structures and Maintenance
12	Utilities Line Activities
14	Linear Transportation Crossings
27	Stream and Wetland Restoration Activities
28	Agricultural Activities

For all NWPs, there are general conditions that have to be met before an activity can be authorized by the NWP. Some general conditions are specific to certain NWPs while others apply to all NWPs. The Corps has also modified nine NWP general conditions and added two new general conditions for the NWPs. Regional conditions specific to Iowa have also been adopted and the Corps has agreed to provide the Department with copies of pre-construction notices (PCNs) for projects involving high quality waters identified as such in the Water Quality Standards.

When the NOIA was published, the Corps had not finalized the new and modified NWPs. The NWPs were finalized on March 9, 2000 and the changes are summarized in the preamble to the proposed final rule. It is felt that most of the comments received during the public comment period have been addressed by the changes in the NWPs. The comments received are summarized in the attached Responsiveness Summary.

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission adopts amendments to Chapter 61, "Water Quality Standards," Iowa Administrative Code. The amendments provide water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for five new Corps Nationwide Permits (NWP) and six modified NWP.

Notice of Intended Action was published in the November 17, 1999 Iowa Administrative Bulletin as ARC 9478A. One public hearing was held and comments were accepted through December 20, 1999. A responsiveness summary was prepared addressing all the comments received and this document is available from the Department of Natural Resources and has been filed with the Administrative Code Editor. No specific changes were made in response to the comments received, as it is believed that changes to the Corps' NWP as discussed below address most of the comments received.

The adopted amendments do differ slightly from the amendments as published in the Notice of Intended Action (NOIA). The Corps did not adopt a Regional General Permit as originally proposed and the adopted amendments do not reference such a Regional General Permit. However, the Corps has made significant changes to the NWP as discussed below.

At the time the NOIA was published, the Corps had not finalized the NWP. On March 9, 2000, the Corps published the final NWP in the Federal Register (Volume 65, Number 47). Changes to the NWP are briefly described below:

- For most of the new and modified NWP, the Corps has established a 0.5 acre limit (i.e., activities disturbing or affecting more than 1/2 acre cannot be authorized under a NWP) with notification to the district engineer being required for most activities that result in the loss of greater than 0.1 acre of waters of the United States.
- For NWP 39, 40, 42, and 43, the Corps has imposed a 300 linear foot limit for filling and excavating stream beds.
- The Corps increased the notification review period to 45 days.
- The Corps revised nine general permit conditions and added two new general conditions. The new NWP general conditions limit activities in designated critical resource waters and fills in waters of the United States within 100-year floodplains. All above-grade fill under NWP 29, 39, 40, 42, 43, and 44 is prohibited within the FEMA-mapped 100-year floodplain below the headwaters of any stream. Within the headwaters, above-grade fill is prohibited within the FEMA-mapped regulatory floodway, and any above-grade fill in the flood fringe must meet FEMA standards.

In addition to the above changes, the Corps has agreed to impose additional regional conditions (i.e., conditions that are applicable in Iowa) as listed below:

1. Sideslopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if it is not armored.
2. NWP's with mitigation may require recording of the permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property and provide proof of recording to the Corps.
3. Mitigation shall be scheduled for construction prior to or concurrent with the construction of the main project.

The Environmental Protection Commission adopted this amendment at its April 17, 2000 meeting and the amendment will become effective on June 20, 2000.

This amendment is intended to implement Iowa Code Chapter 455B, division III, part 1.

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61.2(2) "h" is amended as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567—70.2(455B, 481A) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, ~~26~~, 27, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, ~~and 40~~, 41, 42, 43, and 44 as promulgated ~~December 13, 1996~~ March 9, 2000 are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

(a copy of the Responsiveness Summary is on file in the Department's Records Center)

Mr. Valde reviewed details of the rules and explained modifications made as a result of public hearings.

Rita Venner stated that the public comments were well produced and each question was addressed in a very good manner.

*Motion was made by Rita Venner to approve Final Rule—Chapter 61, Water Quality Standards, Section 401 Certification of Section 404 Nationwide Permits. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION CHAPTERS 22-25, AIR QUALITY RULES (NESHAPS)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 24, "Excess Emission," and Chapter 25, "Measurement of Emissions." Chapter 23, "Emission Standards for Contaminants," 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for approval to proceed with the rulemaking process and publish a notice of intended action on these proposed rule revisions and additions.

The purpose of this rulemaking is to adopt by reference 3 national emission standards for hazardous air pollutants (NESHAPs) that were promulgated by EPA for the following source categories: hazardous waste combustors, publicly owned treatment works, and amino/phenolic resin production units. EPA has approved the departments 111(d) plan for hospital and medical infection waste incinerators and compliance dates, based on this date of approval from EPA, have been updated. Also included in the rulemaking is the adoption of an EPA approved method for a drift calibration procedure in continuous opacity monitors.

This rulemaking also proposes to add two new exemptions from construction permitting, one for specific equipment at academic institutions and another for emergency vents, emergency releases, etc. It is also proposed that the department be notified in writing when exemptions from construction permitting are being claimed for specified equipment. The exemption from construction permitting is for units emitting less than 1.0 lb/hr is proposed to be deleted from the specific exemptions and converted into equipment that needs a construction permit. A separate construction permit application form for the units emitting less than 1.0 lb/hr is being proposed.

This rulemaking proposes that the number of copies of information for title V permitting, specifically the emission inventories and the paperwork associated with the fee submittal, be reduced to only two copies. It also proposes a requirement to notify the department of a change in ownership of equipment covered by a construction permit.

This rulemaking proposes to prohibit the open burning of certain materials when a local recycling program in the community would accept this material. This rulemaking also proposes to make changes to the provisions pertaining to when excess emissions are violations.

DNR staff will conduct an informational meeting on June 15, 2000 and a public hearing on July 20, 2000.

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action**



Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 24, "Excess Emission," and Chapter 25, "Measurement of Emissions."

Item 1 incorporates a notification requirement to the department for certain types of emission units falling under a construction permit exemption. This notification process will ensure that the department knows an exemption is being claimed and clarify whether or not a particular piece of equipment needs or does not need a construction permit. Notification is required for emission units with construction or start-up dates on or after November 24, 2000. For emission units covered under the exemption that were constructed or operated before November 24, 2000 written notification is also requested of the fact that the exemption was taken on emission units. This new recordkeeping and the recordkeeping that was already required under paragraph 22.1(2)"s" has been incorporated into 22.1(2).

Item 2 revises paragraph "g" to acknowledge that the recordkeeping associated with the exemption taken under paragraph "g" has been moved to 22.1(2). The revision is for administrative purpose only.

Item 3 deletes the exemption from construction permitting for emission units emitting less than a pound per hour of a pollutant and replaces the paragraph with a new exemption for emergency vents. The proposed deletion of the pound per hour construction permit exemption is being addressed by the addition of a new construction application form that would be specific for an emission unit emitting less than 1.0 lb/hr of a pollutant. This is explained in item 5. The new exemption for emergency vents, etc., is being proposed to address construction permit requirements for emission points that are not expected to have any emissions but could have emissions to prevent equipment damage or personal injury.

Item 4 is a new construction permit exemption that is specific to emissions from specified equipment at teaching and academic research institutions. These sources are anticipated to have minimal emissions.

Item 5 identifies the forms by name and number that can be used to submit a construction permit application. Form 542-XXXX is proposed as a new form which can be used to apply for a construction permit for the emission points emitting less than 1.0 lb/hr of a pollutant. While the 1.0 lb/hr emissions were covered under a construction permit exemption which is proposed to be deleted, that exemption did not apply until the facility had provided specified information to the department that exemption was being taken. In lieu of that information being provided to the department as part of the exemption process, facilities will now be required to apply for a construction permit for these sources however the information requested will be tailored to the type of information that was required in the exemption.

Item 6 identifies what sources are eligible for using the application form for emission units less than 1.0 lb/hr of a pollutant and identifies what information must be contained in the application.

Item 7 corrects an internal rule citation and changes the reference to one which pertains to the calculation of emission limits based on stack height.

Item 8 adds a new subrule that requires the department to be notified when the ownership of equipment covered by a construction permit changes owners. This proposal will require facilities to keep the department informed of who own equipment covered by a construction permit.

Item 9 corrects the date of the latest revision of Appendix W to 40 FR Part 51. Also in the same subrule, the reference to 40 CFR 52.21(1) should read 40 CFR 52.21(L), replacing the number 1 for a small letter "L."

Item 10 deletes a referenced date which implies that there is a level established by the EPA administrator which has defined the level of radionuclides for major source status. The federal regulations reserve the right of the administrator to set these levels but at this time no levels have been established by the Environmental Protection Agency.

Item 11 clarifies the deadline for submitting annual Title V fees to the Department of Natural Resources. The existing wording requires payment to be made on July 1 of each year. The revised wording allows for payment to be made on or before July 1 of each year.

Item 12 reduces the number of copies of different forms that must be submitted with the annual emissions fee. These fees only apply to Title V facilities.

Item 13 reduces the number of copies of each form required to be submitted with the annual emissions inventory. Instead of the required four copies, only two will now be required.

Items 14 through 17 updates references to 40 CFR Part 63. Item 14 identifies provisions of the three new national emission standards for hazardous air pollutants (NESHAPS) that are not delegated to the department which are proposed for adoption by reference in this rule. Item 15 through 17 pertain to the promulgation of three new NESHAPS for hazardous waste combustors at waste incinerators, cement kilns, and at lightweight aggregate kilns, amino/phenolic resin production units, and non-industrial and industrial publicly owned treatment works, respectively.

Items 18 through 20 update the emission guidelines for hospital/medical infectious waste incinerators (Part 63, Subpart Ce) by incorporating compliance dates. Compliance dates were based on the date the department's implementation plan was approved by EPA. The department's 111(d) plan was approved August 16, 1999.

Item 21 removes the exemption to the state's open burning rules which would allow the burning of material for which there is a local recycling program for the following: trees and tree trimming, landscape waste, residential waste, and paper and plastic pesticide containers and seed corn bags.

Item 22 corrects a gap in the regulations from a previous rulemaking. A revised general particulate emission rate became effective as of July 21, 1999. The regulations did not cover sources, which were constructed, modified or reconstructed on July 21, 1999. The proposed rules clarify that the new general particulate emission rate applies to sources constructed after as well as on July 21, 1999, the effective date of the regulations. This item also includes the abbreviation, dscf, for the term "dry standard cubic feet."

Item 23 pertains to excess emissions and excess emission reporting and handling by the department. The purpose of these rule amendments is to conform to EPA's policy on startup and shutdowns and excess emissions. EPA has informed the department that excess emissions during the cleaning of control equipment is not to be considered an acceptable exclusion from considering an excess emission a violation of a standard. In addition, the amendments provide for criteria when excess emissions from startup and shutdown should not be considered as a violation of the standards.

Item 24 incorporates procedures approved by EPA to calculate calibration drift in continuous opacity monitors in accordance with 40CFR Part 60 Appendix B, Performance Specification 1 into "Iowa Compliance Sampling Manual." This procedure would apply only to boilers covered

under 567--25.1(1). This item also clarifies the references to the appendices in the subrule. And where they may be found.

Any person may make written suggestions or comments on the proposed rules on or before July 28, 2000. Written comments should be directed to Monica Wnuk, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, IA 50322, FAX (515) 242-5094, or by electronic mail to Monica.Wnuk@DNR.STATE.IA.US.

An informational meeting will be held at in 10:30 am in conference rooms 5-8 on June 15, 2000 at DNR's Air Quality Bureau offices located at 7900 Hickman Road, Urbandale, Iowa. At the informational meeting, DNR staff will be available to answer questions on any of the proposed rule revisions.

A public hearing will be held on July 20, 2000 at 1:00 pm in conference rooms 5-8 at DNR's Air Bureau office located at 7900 Hickman Road, Urbandale, Iowa at which time comments may be submitted orally or in writing. All comments must be received no later than July 28, 2000.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility, should contact Monica Wnuk at (515)281-7212 to advise of any specific needs.

These amendments may impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

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ITEM 1. Amend subrule 22.1(2) as follows:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or the control equipment is necessary to comply with rule 22.4(455B), prevention of significant deterioration requirements; rule 22.5(455B), special requirements for nonattainment areas; 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); 567--subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); 567--subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAP); or 567--subrule 23.1(5), emission guidelines, in which case a permit must be obtained. If equipment is permitted under the provisions of rule 22.8(455B), then no other exemptions shall apply to that equipment.

Beginning on November 24, 2000, this subrule shall not apply unless the department is notified in writing within 30 days of installation or startup of the equipment for which the exemption is being claimed. For equipment already in use on November 24, 2000 and for which an exemption under 22.1(2)"a", "b", "e", "r" or "s" is claimed, the department also shall be notified in writing. Written notification shall contain the following information: the specific exemption claimed, a description of the associated equipment, and the date the equipment was installed or put in use.

A facility claiming to be exempt under the provisions of paragraph "g" shall provide the information listed below to the department. If the exemption is claimed for a source not yet constructed or modified, the information shall be provided to the department at least 30 days in advance of the beginning of construction on the project. If the exemption is claimed for a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the information listed below shall be provided to the department within 60 days of March 20, 1996. After that date, if the exemption is claimed by a

source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the source shall not operate until the information listed in below is provided to the department:

a detailed emissions estimate of the actual and potential emissions, specifically noting increases or decreases, for the project for all regulated pollutants (as defined in 22.100(455B)), accompanied by documentation of the basis for the emission estimate;

a detailed description of each change being made;

the name and location of the facility;

the height of the emission point or stack and the height of the highest building within 50 feet;

the date for beginning actual construction and the date that operation will begin after the changes are made; and,

a statement that the provisions of rules 22.4(455B) and 22.5(455B) do not apply.

The written statement shall contain certification by a responsible official as defined in rule 22.100(455B) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

ITEM 2. Amend paragraph 22.1(2) “g” as follows:

g. Equipment or control equipment which reduces or eliminates all emission to the atmosphere. If a source wishes to obtain credit for reductions under the prevention of significant deterioration requirements, it must apply for a permit for the reduction prior to the time the reduction is made. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. ~~In order to use this exemption, the facility must comply with paragraph “s” below.~~

ITEM 3. Replace paragraph 22.1(2) “i” with the following:

i. Emergency emission release systems such as emergency vents, blow-off valves, relief valves, pop-off valves, and explosion doors whose primary purpose is the prevention of equipment damage and personal injury. Emission releases shall be reported as excess emissions as required by 567—24.1(455B).

ITEM 4. Replace paragraph 22.1(2) “s” and subparagraphs 22.1(2)s(1) through (8) with the following new paragraph:

s. The equipment at academic institutions (i.e. high schools, colleges, universities, etc.) used exclusively for the purposes of teaching and academic research. The equipment covered under this exemption is limited to: lab hoods, art class equipment, wood shop equipment in classrooms, and fuel-burning units (except incinerators) with a capacity of less than one (1) million BTU per hour fuel capacity.

This exemption shall not apply if its use would conflict with any other provision of law.

ITEM 5. Amend paragraph 22.1(3) “b” as follows:

b. Construction permit applications. Each application for a construction permit shall be submitted to the department on the appropriate form supplied by the department, IDNR form 542-3190 “Air Construction Permit Application-” or IDNR Form 542-XXXX “Air Construction

Permit for Emission Units Below 1.0 lb/hr.” Final plans and specifications for the proposed equipment or related control equipment shall be submitted with the application for a permit and shall be prepared by or under the direct supervision of a professional engineer registered in the state of Iowa in conformance with Iowa Code chapter 542B. Information required and eligibility requirements for use of the application for a permit to construct an emission below 1.0 lb/hr is identified in 22.1(3)”d” of this subrule. The application for a permit to construct, IDNR form 542-3190 “Air Construction Permit Application,” shall include the following information:

ITEM 6. Add paragraph 22.1(3)”d” as follows:

d. Application requirements for emission units less than 1.0 lb/hr. Form 542-XXXX “Air Construction Permit for Emission Units Below 1.0 lb/hr.” can be used only for emission units that emit less than 1.0 lb/hr of a pollutant. Form 542-XXXX may not be used if the emission unit is subject to any of the following: rule 22.4, prevention of significant deterioration requirements; rule 22.5(455B), special requirements for nonattainment areas; 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAP); or 567—subrule 23.1(5), emission guidelines. The application for emission units that meet the eligibility criteria above shall include the following information:

- (1) location information of the emission unit,
- (2) emission unit description and specifications
- (3) control equipment description and specifications,
- (4) specifications on the stack or vent,
- (5) emission calculations,
- (6) emission inventory at the facility ,
- (7) eligibility criteria checklist; and
- (8) a certification from the responsible official that the emission unit complies with eligibility requirements and that information provided in the application is true, accurate and complete.

ITEM 7. Amend paragraph 22.3(1)”c” a follows:

c. That the applicant has not relied on emission limits based on stack height that exceeds good engineering practice or any other dispersion techniques as defined in 567—subrule 23.1(46), and

ITEM 8. Add new subrule 22.3(8).

22.3(8) Ownership Change of Permitted Equipment.

The department shall be notified in writing no later than 30 days after of the change in ownership of ownership change of equipment covered by a construction permit pursuant to 567—22.1(455B). The notification to the department shall include the following information:

- a. the date of ownership change;
- b. the name, address and telephone number of the responsible official, contact person and the owner of the equipment both before and after ownership change, and,
- b. the construction permit number of the equipment changing ownership.

ITEM 9. Amend subrule 22.4(1) as follows:

22.4(1) Federal rules 40 CFR 52.21(a) (Plan Disapproval), 52.21(q) (Public Participation), 52.21(s) (Environmental Impact Statement), and 52.21(u) (Delegation of Authority), are not adopted by reference. Also, for the purposes of 40 CFR 52.21(4L), the department adopts by reference Appendix W to 40 CFR 51, Guideline on Air Quality Models (Revised), as adopted ~~March~~ August 12, 1996.

ITEM 10. Amend paragraph numbered as "2" under the definition of "Major source" in rule 22.100 as follows:

"Major source" means any stationary source (or any group of stationary sources located on one or more contiguous or adjacent properties and under common control of the same person or of persons under common control) belonging to a single major industrial grouping that is any of the following:

1. unchanged
2. A major source of hazardous air pollutants according to section 112 of the Act as follows:

For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tpy or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Act and these rules or 25 tpy or more of any combination of such hazardous air pollutants. Notwithstanding the previous sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emission from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

For Title V purposes, all fugitive emissions of hazardous air pollutants are to be considered in determining whether a stationary source is a major source.

For radionuclides, "major source" shall have the meaning specified by the administrator by rule. ~~as of January 18, 1994.~~

3. unchanged

ITEM 11. Amend subrule 22.106(1) as follows.

22.106(1) *Fee established.* Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emission of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$29 per ton without adopting the change pursuant to formal rule making.

ITEM 12. Amend paragraph 22.106(3)"a" as follows:

a. The fee shall be submitted annually by July 1. The fee shall be submitted with ~~four~~ two copies of the following forms:

ITEM 13 Amend paragraph 22.106(3)"b" as follows:

b. ~~Four~~ Two copies of the following forms shall be submitted annually by March 31 documenting actual emissions for the previous calendar year:

ITEM 14. Amend 23.1(4) as follows:

23.1(4) Emission standards for hazardous air pollutants for source categories. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through ~~June 29, 1999~~ January 20, 2000, are adopted by reference, except 40 CFR §§63.6(g) and (h)(9), 63.7(c)(2)(i), 63.7(e)(2)(ii) and (f), 63.8(f), 63.10(f), 63.12, 63.14, 63.15, 63.40(a), 63.42(a), (b), 63.43(c), (f)-(m), 63.177, 63.560(b), (e)(2), (3), 63.562(c), (d), 63.772, 63.777, 63.694, 63.996-63.999, 63.1022-63.1024, 63.1038 and 63.1039, 63.1062, 63.1063(a) and (b), 63.1064-63.1066, 63.1157, 63.1158, 63.1161(d)(1), 63.1162(a)(2) to (5), 63.1162(b)(1) to (3), 63.1165, 63.1282, and 63.1287, 63.1403-63.1410, and 63.1414-63.1417, and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. 40 CFR Part 63 Subpart B incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (Fbio) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule "Hazardous air pollutant" has the same meaning found in 567--22.100(455B). For the purposes of this subrule a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)"a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 15. Amend paragraph 23.1(4)"be" as follows:

be. ~~and bf. Reserved.~~ Standard for hazardous air pollutants from hazardous waste combustors. These standards apply to all hazardous waste combustors: hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns, except as provided in the rule. Both area sources and major sources are subject to this subpart as of September 30, 1999 and are subject to the requirement to apply for and obtain a title V permit. (Part 63, Subpart EEE)

ITEM 16. Amend paragraph 23.1(4)"bo" as follows:

bo. ~~Reserved~~. Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production. These standards apply to new or existing facilities that own or operate an amino or phenolic resins production unit. (Part 63, Subpart OOO).

ITEM 17. Amend paragraph "bv" to 23.1(4) as follows:

~~bu. to bw.~~ Reserved.

bv. Emission Standards for Hazardous Air Pollutants Publicly Owned Treatment Works (POTW). These standards apply to new or reconstructed non-industrial POTW and industrial POTW (Part 63, Subpart VVV).

bw. Reserved

ITEM 18. Amend subparagraphs 23.1(5)"b"(4), 23.1(5)"b"(5) and 23.1(5)"b"(6). Keep the seventeen (17) numbered items under subparagraph 23.1(5)"b"(6) unchanged as follows:

(4) Operator training and qualification requirements. Designated facilities shall meet the requirements for operator training and qualification listed in 40 CFR §60.53c by August 16, 2000 (which is within one year from EPA's approval of the state's 111(d) plan for HMIWI).

(5) Waste management requirements. Designated facilities shall meet the requirements for a waste management plan listed in 40 CFR §60.55c by June 16, 2002 (which is within 34 months from EPA's approval of the state's 111(d) plan for HMIWI).

(6) Inspection requirements. Each remote HMIWI subject to the emission limits under numbered paragraph "2" of subparagraph 23.1(5)"b"(3) must conduct an initial equipment inspection by August 16, 2000, (which is within one year from EPA's approval of the state's 111(d) plan for HMIWI), and perform equipment inspections annually, no more than 12 months after the previous inspection. The facility must complete all necessary repairs within ten operating days following an inspection. If the repairs cannot be accomplished within this period, then the owner or operator must obtain written approval from the department requesting an extension. All inspections shall include the following:

23.1(5)b.(6)1.through 23.1(5)b.(6)17. Unchanged.

ITEM 19. Amend subparagraph 23.1(5)"b"(12) as follows:

(12) Compliance times for designated facilities planning to retrofit. Designated facilities planning to retrofit existing HMIWI shall comply with the emission limits specified in subparagraph 23.1(5)"b"(3) by August 16, 2002 (which is within three years from EPA's approval of the state's 111(d) plan for HMIWI), but not later than September 16, 2002. To ensure compliance, these facilities must also comply with the following increments of progress:

1. Submit construction permit application to the department, as required by rule 567--22.1(455B), to outline the addition of control equipment and the modification of existing processes by August 16, 2000 (which is within one year from EPA's approval of the state's 111(d) plan for HMIWI);

2. Award contracts for control systems or process modifications, or orders for purchase of components by February 16, 2001 (which is within 18 months from EPA's approval of the state's 111(d) plan for HMIWI);

3. Initiate on-site construction or installation of the air pollution control device(s) or process changes by August 16, 2001 (which is within two years from EPA's approval of the state's 111(d) plan for HMIWI);



4. Complete on-site construction or installation of air pollution control device(s) or process changes by May 16, 2002 (which is within 33 months from EPA's approval of the state's 111(d) plan for HMIWI); and

5. Complete initial compliance test(s) on the air pollution control equipment by June 16, 2002 (which is within 34 months from EPA's approval of the state's 111(d) plan for HMIWI).

ITEM 20. Amend subparagraph 23.1(5)"b"(13) as follows and keep items 1. to 3. in subparagraph 13 unchanged.

(13) Compliance times for designated facilities planning to shut down. Designated facilities planning to shut down an existing HMIWI shall shut down by August 16, 2000 (which is within one year from EPA's approval of the state's 111(d) plan for HMIWI). Designated facilities may request an extension from the department to operate the HMIWI for up to two additional years. The request for extension must be submitted to the department by May 16, 2000 (which is within nine months from EPA's approval of the state's 111(d) plan for HMIWI) and include the following:

1. Documentation to support the need for the requested extension;
2. An evaluation of the option to transport the waste off site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and
3. A plan that documents measurable and enforceable incremental steps of progress to be taken toward compliance with paragraph 23.1(5)"b," including final compliance date which can be no later than September 16, 2002.

ITEM 21. Amend subrule 23.2(3) as:

23.2(3) Exemptions. The following shall be permitted unless prohibited by local ordinances or regulations or if the material to be burned in paragraphs "b", "d", "f," and "h" is collected as part of a local recycling program.

ITEM 22. Amend subparagraph 23.3(2)"a"(1) as follows:

(1) For sources constructed, modified or reconstructed on or after July 21, 1999, the emission of particulate matter from any process shall not exceed an emission standard of 0.1 grain per dry standard cubic foot (dscf) of exhaust gas, except as provided in 567—21.2(455B), 23.1(455B) 23.4(455B) and 567—Chapter 24.

ITEM 23 Amend rule 24.1 as follows:

567—24.1(455B) Excess emission reporting.

24.1(1) Excess emission during periods of startup ~~or, shutdown, or cleaning of control equipment. Excess emission during a period of startup, or shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, or shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to one six minute period per one hour period. All periods of excess emissions arising during startup or shutdown shall be treated as violations unless the following can be demonstrated:~~

a. the periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through planning and design;

b. the excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

c. the excess emissions were caused by a bypass (an intentional diversion of control equipment) that was unavoidable to prevent loss of life, personal injury, or severe property damage;

d. at all relevant times, the facility was operated in a manner consistent with good practice for minimizing emissions;

e. the frequency and duration of operation in startup or shutdown mode was minimized to the maximum extent practicable;

f. all possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

g. all emission monitoring systems were kept in operation if at all possible;

h. the owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence; and

i. the owner or operator properly and promptly notified the appropriate regulatory authority.

24.1(2) Oral report of excess emissions. An incident of excess emission ~~(other than an incident of excess emission during a period of startup, shutdown, or cleaning)~~ shall be reported to the appropriate regional office of the department within eight hours of, or at the start of the first working day following the onset of the incident. ~~The reporting exemption for an incident of excess emission during startup, shutdown or cleaning does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in 567--subrule 25.1(6).~~

An oral report of excess emission is not required for a source with operational continuous monitoring equipment (as specified in 567--subrule 25.1(1)) if the incident of excess emission continues for less than 30 minutes and does not exceed the applicable emission standard by more than 10 percent or the applicable visible emission standard by more than 10 percent opacity.

The oral report may be made in person or by telephone and shall include as a minimum the following:

a. The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point.

b. The estimated quantity of the excess emission.

c. The time and expected duration of the excess emission.

d. The cause of the excess emission.

e. The steps being taken to remedy the excess emission.

f. The steps being taken to limit the excess emission in the interim period.

24.1(3) Written report of excess emission. A written report of an incident of excess emission shall be submitted as a follow-up to all required oral reports to the department within seven days of the onset of the upset condition, and shall include as a minimum the following:

a. The identity of the equipment or source operation point from which the excess emission originated and the associated stack or emission point.

b. The estimated quantity of the excess emission.

c. The time and duration of the excess emission.

d. The cause of the excess emission.

e. The steps that were taken to remedy and to prevent the recurrence of the incident of excess emission.

f. The steps that were taken to limit the excess emission.

g. If the owner claims that the excess emission was due to malfunction, documentation to support this claim.

24.1(4) Excess emissions. An incident of excess emission ~~(other than an incident during startup, shutdown or cleaning of control equipment)~~ is a violation. An incident of excess emissions during startup or shutdown is a violation unless the requirements of rule 24.1(1)"a" through "i" are documented in writing and submitted to the department. If the owner or operator of a source maintains that the incident of excess emission was due to a malfunction, the owner or operator must show that the conditions which caused the incident of excess emission were not preventable by reasonable maintenance and control measures. Determination of any subsequent enforcement action will be made following review of this report. If excess emissions are occurring, either the control equipment causing the excess emission shall be repaired in an expeditious manner or the process generating the emissions shall be shutdown within a reasonable period of time. An expeditious manner is the time necessary to determine the cause of the excess emissions and to correct it within a reasonable period of time. A reasonable period of time is eight hours plus the period of time required to shut down the process without damaging the process equipment or control equipment. A variance from this subrule may be available as provided for in Iowa Code section 455B.143. In the case of an electric utility, a reasonable period of time is eight hours plus the period of time until comparable generating capacity is available to meet consumer demand with the affected unit out of service, ~~unless,~~ If, upon investigation, the director ~~shall, upon investigation,~~ reasonably determines that continued operation of any source constitutes an unjustifiable environmental hazard, the department shall ~~and~~ issue an order that such operation is not in the public interest and require a ~~the~~ process shutdown to commence immediately.

24.1(5) Compliance with other paragraphs. Subrules 24.1(1) to 24.1(4) notwithstanding, a fossil fuel-fired steam generator to which 567--paragraph 23.1(2)"a," "z," or "ccc" applies shall comply with 567--paragraph 23.1(2)"a," "z," or "ccc."

#### ITEM 24. Amend subrule 25.1(9).

25.1(9) Methods and procedures. Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567--Chapter 23 or a permit condition are those specified in the "Compliance Sampling Manual\*" adopted by the commission on May 19, 1977, as revised through November 24, 2000 ~~January 1, 1995~~. Sampling methods, analytical determinations, minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are those found in Appendices A (as amended through March 12, 1996), B (as amended through December 15, 1994) and F (as amended through February 11, 1991); of 40 CFR Part 60, and 40 CFR 75, Appendices A (as amended through May 22, 1996), B (as amended through May 17, 1995), and H (as amended through July 30, 1993) of 40 CFR Part 75.

\* Available from department.

Date

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Paul W. Johnson, Director

Mr. Valde reviewed the rules for the Commission noting that it updates the rules for NESHAPS.

Rozanne King asked about the prohibition of burning of material that is in a local recycling program and inquired if that is part of the EPA program.

Pete Hamlin, Bureau Chief of the Air Quality Bureau, stated that it is not a mandate of EPA. He related that one of the reasons why it is something the Department would like to put into a rule is that there is a recent study that burning household waste is a very large contributor to dioxin emissions across the country. He added that the chlorinated plastics that are burned in backyards are 30-40% of the dioxin emissions that have been detected across the country, and dioxin is a very potent suspected carcinogenic compound. He added that if there is a recycling program available, people should take advantage of it.

Rozanne King asked if it would be difficult to police that type of thing.

Chairman Townsend stated that if a person cannot recycle the plastics they should go to the landfill rather than burning it and smoking up the neighborhood with it.

Pete Hamlin emphasized that it is a health problem for people with asthma and other respiratory disease.

Discussion followed regarding bans on burning; burning of seed corn sacks; recycling programs, etc.

<i>Motion was made by Darrell Hanson to approve Notice of Intended Action- -Chapters 22-25, Air Quality Rules. Seconded by Rita Venner. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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## **TITLE V BUDGET AND FEE – SFY 2001**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached Title V budget establishing the annual Title V fee at \$24.50 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a \$1.40 per ton increase in the fee. Cost centers 7230, 7421, and 1556 are funded from the fee. This budget reflects changes from the draft budget presented to the Commission in March in the following areas: Reduction in actual tons of air emissions reported by facilities for

CY 1999, an increase in estimated carry-forward, an increase in indirect costs, an increase in state vehicle operation and depreciation, a decrease in SPARS client training, an increase in Polk County contract, and an increase in merit resources. The Bureau continues to strive for a more accurately budget to meet program goals.

Item	Cost Center & Expenditure Category	SFY 2000	SFY 2001 March EPC	SFY 2001 May EPC	Explanation of Change from SFY 2000 to SFY 2001
<b><u>Air Title V - I&amp;E (1556)</u></b>					
	<b><i>FTE</i></b>	<b><i>1.00</i></b>	<b><i>1.00</i></b>	<b><i>1.00</i></b>	
1	Personnel	49,468	49,468	49,468	
2	Travel in state	355	158	158	Reduces budget from \$355 to \$158 per FTE
3	State Vehicle Operation	0	214	267	Costs Apportioned by FTE and Addition of 3 vehicles
4	Vehicle Depreciation	0	462	321	Costs Apportioned by FTE and Addition of 3 vehicles
5	Travel out of state	1,331	1,553	1,553	Increases budget to \$1553 per FTE
6	Office Supplies	0	780	780	Costs Apportioned by FTE
7	Equipment maintenance	0	1,342	1,342	Costs Apportioned by FTE
8	Other supplies	0	62	62	Costs Apportioned by FTE
9	Printing and binding	0	208	208	Costs Apportioned by FTE
10	Uniforms	0	40	40	Costs Apportioned by FTE
11	Communications	0	1,786	1,786	Costs Apportioned by FTE
12	Rent	0	3,507	3,507	Costs Apportioned by FTE
13	Outside services	0	1,228	1,228	Costs Apportioned by FTE plus News Clippings
14	ITS Reimbursement	0	100	100	Costs Apportioned by FTE
15	Equipment	0	0	0	
15a	Computer hardware purchase	[0]	[0]	[0]	
15b	Computer software purchase	[0]	[0]	[0]	
15c	Office equipment & furniture	[0]	[0]	[0]	
16	Equipment Noninv.	0	613	613	
17	Indirect charges	5,491	5,936	5,936	Increased indirect, from 11.1% to 12%.
<b>Total</b>		<b>56,645</b>	<b>67,195</b>	<b>67,369</b>	Costs Apportioned by FTE
<b><u>Air Quality Program (7220)</u></b>					
	<b><i>FTE</i></b>	<b><i>21.50</i></b>	<b><i>16.50</i></b>	<b><i>16.50</i></b>	Move 5 FTE to Title V cost center (Minus 5 FTE)

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18	Personnel	1,094,709	840,126	840,126	Move 5 FTE to Title V cost center (Minus 5 FTE)
19	Travel in state	7,633	2,607	2,607	Reduces budget from \$355 to \$158 per FTE, App. costs by FTE, shift to Title V
20	State Vehicle Operation	0	3,531	4,406	Costs Apportioned by FTE and Addition of 3 vehicles
21	Vehicle Depreciation	0	7,623	5,297	Costs Apportioned by FTE and Addition of 3 vehicles
22	Travel out of state	35,338	30,284	25,625	Costs Apportioned by FTE
23	Office supplies	22,704	12,870	12,870	Increases budget to \$1553 per FTE
24	Facility maintenance	500	330	330	Costs Apportioned by FTE
25	Equipment maintenance	3,180	22,143	22,143	Costs Apportioned by FTE
26	Other supplies	968	1,023	1,023	Costs Apportioned by FTE
27	Printing and binding	5,000	3,432	3,432	Costs Apportioned by FTE
28	Uniforms	645	660	660	Costs Apportioned by FTE
29	Communications	31,109	29,476	29,476	Costs Apportioned by FTE
30	Rent	68,840	57,861	57,861	Costs Apportioned by FTE
31	Utilities	6,000	2,946	2,946	Costs Apportioned by FTE
32	Professional Services (Total)	560,407	943,988	943,988	
32a	Linn County Local Program	[90,875]	[238,500]	[238,500]	Additional 20K AAM & \$100,000 for air toxic monitoring.
32b	Polk County Local Program	[117,852]	[172,470]	[172,470]	Additional 20K AAM
32c	Computer Consultant Services	[0]	[5,893]	[5,893]	
32d	NOWCC	[26,000]	[36,154]	[36,154]	Costs Apportioned by FTE
32e	UHL Agreement	[325,680]	[490,971]	[490,971]	48% AAM, 35% Stack testing, 50% Smoke School, 50% Emission Inventory, 100% Asbestos
33	Outside services	78,000	23,115	23,115	
33a	Misc.	[0]	[3,762]	[3,762]	Miscellaneous costs
33b	Temporary Services	[0]	[17,932]	[17,932]	Costs Apportioned by FTE
33c	Priority Express	[0]	[1,421]	[1,421]	Costs Apportioned by FTE
34	Advertisement in publications	450	1,238	1,238	Costs Apportioned by FTE
35	Reimbursement to other agencies	6,500	10,533	10,533	Costs Apportioned by FTE
36	ITS Reimbursement	3,000	1,650	1,650	Costs Apportioned by FTE
37	Equipment	0	138,256	138,256	
37a	Air monitoring & Lab equipment	[0]	[80,000]	[80,000]	Air Quality monitoring
37b	Computer hardware purchase	[0]	[42,632]	[42,632]	Costs Apportioned by FTE and Monitoring Split Equally
37c	Computer software purchase	[0]	[12,678]	[12,678]	Costs Apportioned by FTE
37d	Office equipment & furniture	[0]	[2,946]	[2,946]	Costs Apportioned by FTE
38	Equipment Noninv.	0	10,115	10,115	Costs Apportioned by FTE

39	Indirect charges	121,513	96,362	100,815	Increased indirect, 11.1% to 12%.
	<b>Total</b>	<b>2,046,495</b>	<b>2,234,986</b>	<b>2,233,328</b>	
	<b><u>Air Title V Program (7230)</u></b>				
	<b>FTE</b>	<b>33.50</b>	<b>38.50</b>	<b>38.50</b>	Added 5 FTE to cost center
40	Personnel	1,628,678	1,883,261	1,883,261	Added 5 FTE to cost center
41	Travel in state	7,710	6,083	6,083	Reduces budget from \$355 to \$156 per FTE, Appor. costs by FTE, shift to Title V
42	State Vehicle Operation	6,000	8,247	10,280	Costs Apportioned by FTE
43	Vehicle Depreciation	12,960	17,787	12,359	Costs Apportioned by FTE
44	Travel out of state	69,589	59,791	59,791	Increases budget to \$1553 per FTE
45	Office supplies	26,000	30,030	30,030	Costs Apportioned by FTE
46	Facility maintenance supplies	500	770	770	Costs Apportioned by FTE
47	Equipment maintenance	68,189	51,667	51,667	Costs Apportioned by FTE
48	Other supplies	5,068	2,387	2,387	Costs Apportioned by FTE
49	Printing and binding	12,000	8,008	8,008	Costs Apportioned by FTE
50	Uniforms	3,060	1,540	1,540	Costs Apportioned by FTE
51	Communications	60,119	68,777	68,777	Costs Apportioned by FTE
52	Rent	112,234	135,009	135,009	Costs Apportioned by FTE
53	Utilities	4,060	6,875	6,875	Costs for Ambient Monitoring Utilities split evenly between 7220 & 7230
54	Professional Services	3,032,329	2,987,329	2,569,784	
54a	Construction Permit Review Contract	[300,000]	[0]	[0]	Contract Terminated
54b	Voluntary Operating Permit Review Contract	[200,000]	[0]	[0]	Contract Terminated moved item to 54q
54c	Computer Consultant Services	[220,000]	[389,107]	[389,107]	Carry forward of \$175,000
54d	SPARS Client Training	[96,000]	[96,000]	[0]	In-house training
54e	Linn County local program agreement	[376,000]	[293,553]	[293,553]	Covers the Title V program and associated ambient monitoring costs.
54f	Polk County local program agreement	[441,313]	[305,806]	[410,840]	Covers the Title V program and associated ambient monitoring costs.
54g	Environmental Liaison	[80,851]	[100,000]	[100,000]	Increased small business assistance
54h	UNI Small Business Assistance agreement	[364,350]	[361,000]	[361,000]	
54i	UHL Agreement	[727,515]	[803,823]	[803,823]	52% non-PM2.5 AAM, 65% of Stack Testing, 50% emission Inventory, 50% Smoke School, AAM increase 150K for 2 FTE and expenses
54j	Earth Month Projects	[25,000]	[0]	[0]	
54k	EPA Airnow Project	[0]	[40,000]	[40,000]	Provide ozone data in real time on the internet.

54l	NOWCC	[95,000]	[84,360]	[84,360]	Adds portion of one NOWCC staff previously covered by EPA regional funds
54m	KDSM - Fox 17 (Planet Patrol)	[3,375]	[3,375]	[3,375]	No Change
54n	E-Resources (WHO EarthCenter 13)	[2,925]	[3,725]	[3,725]	Increase public awareness
54o	Image Scanning	[100,000]	[50,000]	[50,000]	Decreased scanning needs
54p	Attorney General's Office	[0]	[30,000]	[30,000]	
55	Outside services	300,012	665,025	707,683	
55a	Misc.	[12,000]	[8,778]	[8,778]	Costs Apportioned by FTE
55b	Computer maintenance (Software)	[218,626]	[168,337]	[168,337]	New Eastman Kodak Maintenance Contract for SPARS
55c	Computer Training	[15,000]	[15,000]	[15,000]	
55d	Temporary Services	[50,000]	[42,928]	[42,928]	Costs Apportioned by FTE
55e	Priority Express	[4,386]	[3,403]	[3,403]	Costs Apportioned by FTE
55f	Merit Resources Positions	[0]	[426,579]	[469,237]	11 PEO's for VOP, regional modeling & planning, and Air monitoring
56	Advertisement in publications	6,100	2,888	2,888	Costs Apportioned by FTE
57	Reimbursement to other agencies	31,000	25,217	25,217	Costs Apportioned by FTE
58	ITS Reimbursement	1,500	3,850	3,850	Costs Apportioned by FTE
59	Equipment	408,979	243,770	243,770	
59a	Air monitoring & Lab equipment	[150,000]	[120,000]	[120,000]	Facility oriented monitoring
59b	Computer hardware purchase	[211,979]	[86,365]	[86,365]	Costs Apportioned by FTE
59c	Computer software purchase	[30,000]	[30,351]	[30,351]	Dispersion Modeling Equipment plus normal computer purchases apport. by FTE
59d	Office equipment & furniture	[17,000]	[7,054]	[7,054]	Costs Apportioned by FTE
60	Equipment Noninv.	30,000	23,601	23,601	Costs Apportioned by FTE
61	Other expenses	13,000	13,000	13,000	
62	Indirect charges	180,783	216,010	225,991	Increased indirect, from 11.1% to 12%.
<b>Total</b>		<b>6,019,868</b>	<b>6,034,340</b>	<b>6,092,617</b>	

**PM 2.5 Monitoring (7240)**

<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
63 Professional Services	328,528	328,528	328,528
63a Professional services - other	[10,400]	[10,400]	[10,400]
63b UHL Agreement	[243,128]	[243,128]	[243,128]
63c Polk County Local Program Agreement	[40,000]	[40,000]	[40,000]



63d	Linn County Local	[35,000]	[35,000]	[35,000]
	Program Agreement			
64	Equipment	0	0	0
	<b>Total</b>	<b>328,528</b>	<b>328,528</b>	<b>328,528</b>

**Air Quality Field Program****(7419)*****FTE*** **3.00** **3.00** **3.00**

65	Personnel	177,214	177,214	177,214
66	Travel in state	1,863	1,863	1,863
67	State Vehicle Operation	0	0	0
68	Vehicle Depreciation	0	0	0
69	Travel out of state	750	750	750
70	Office Supplies	50	50	50
71	Facility Maintenance	0	0	0
72	Equipment Maintenance	0	0	0
73	Other supplies	0	0	0
74	Printing and binding	50	50	50
75	Uniforms	500	500	500
76	Communications	6,500	6,500	6,500
77	Rent	0	0	0
78	Utilities	0	0	0
79	Professional Services	0	0	0
80	Outside services	0	0	0
81	Reimbursement to other agencies	650	650	650
82	ITS Reimbursement	4,435	4,435	4,435
83	Equipment	8,870	8,870	8,870
84	Equipment Noninv.	0	0	0
85	Other expense	0	0	0
86	Indirect charges	19,671	20,326	21,266

Increased indirect, from 11.1% of personnel to 12%.

**Total** **220,553** **221,208** **222,148****Air Title V Field Program****(7421)*****FTE*** **8.50** **8.50** **8.50**

87	Personnel	483,783	483,783	483,783
88	Travel in state	5,279	5,279	5,279
89	State Vehicle Operation	4,500	4,500	4,500
90	Vehicle Depreciation	9,000	9,000	9,000
91	Travel out of state	2,125	2,125	2,125
92	Office Supplies	850	850	850
93	Facility Maintenance	0	0	0
94	Equipment Maintenance	0	0	0
95	Other supplies	400	400	400
96	Printing and binding	50	50	50

97	Uniforms	1,100	1,100	1,100
98	Communications	18,500	18,500	18,500
99	Rent	0	0	0
100	Utilities	0	0	0
101	Professional Services	0	0	0
102	Outside services	500	500	500
103	Reimbursement to other agencies	1,850	1,850	1,850
104	ITS Reimbursement	12,565	12,565	12,565
105	Equipment	25,130	25,130	25,130
106	Equipment Noninv.	500	500	500
107	Other expenses	0	0	0
108	Indirect charges	53,700	55,490	58,054
Increased indirect, from 11.1% of personnel to 12%.				
<b>Total</b>		<b>619,831</b>	<b>621,621</b>	<b>624,185</b>

**105 Federal Grant & MOE**

109	Total Revenue	4,542,433	2,453,800	2,453,800
109a	General Fund	[1,350,000]	[1,350,000]	[1,350,000]
109b	Federal 105 air grant	[921,216]	[1,003,800]	[1,003,800]
State 105 allocation in FFY 2000 was \$1,020,700 \$14,500 is taken of top of grant award for CenSARA and \$2,400 for SAS licenses.				
109c	Balance Forward	[0]	[100,000]	[100,000]
Carry forward \$100,000 for Linn County Air Toxics monitoring.				
	Haz Waste Rem Fund	[0]	[0]	[0]
	Title V Fees	[0]	[0]	[0]
110	Total Expenditures	2,267,048	[2,456,195]	2,455,476
110a	Air Quality Program (7220)	[2,046,495]	[2,234,986]	[2,233,328]
	Total			
110b	Air Quality Field Program (7419)	[220,553]	221,208	[222,148]
<b>Revenues - Expenditures</b>		<b>2,275,385</b>	<b>-2,395</b>	<b>-1,676</b>

**Title V**

111	Total Revenue	6,582,074	6,731,059	6,784,173
111a	Balance forward	[1,099,520]	[562,459]	[1,154,940]
Carry forward \$175,000 for computer consultant service.				
111b	Title V fees	[5,282,554]	[5,968,600]	[5,409,233]
1999 Emissions 220,785 tons for SFY 2001 at \$24.5				
111c	Fund interest	[200,000]	[200,000]	[220,000]
112	Total Expenditures	6,696,345	6,723,156	6,784,172
112a	Air Title V - I&E (1556)	[56,645]	[67,195]	[67,369]
	Total			
112b	Air Title V Program (7230)	[6,019,868]	[6,034,340]	[6,092,617]
	Total			

112c Air Title V Field Program [619,831] [621,621] [624,185]  
(7421)

<b>Revenues - Expenditures</b>	<b>-114,271</b>	<b>7,903</b>	<b>0</b>
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**103 Federal Grant**

113	Total Revenue	477,996	330,054	330,054
113a	Balance Forward	[147,942]	[0]	[0]
113b	Federal 103 air grant	[330,054]	[330,054]	[330,054]
114	Total Expenditures	328,528	328,528	328,528
114a	PM 2.5 Monitoring (7240)	[328,528]	[328,528]	[328,528]

Total

<b>Revenues - Expenditures</b>	<b>149,468</b>	<b>1,526</b>	<b>1,526</b>
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<i>Total Air Quality FTE</i>	<i>67.50</i>	<i>67.50</i>	<i>67.50</i>
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<i>Total Air Quality Bureau FTE</i>	<i>56.00</i>	<i>56.00</i>	<i>56.00</i>
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*FTE*

<b>Total Air Quality Budget</b>	<b>9,291,920</b>	<b>9,507,879</b>	<b>9,568,176</b>
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Mr. Valde stated that this is the fee paid by industry for the emissions of certain contaminants from their large sources. He noted that this is related to the fee cap and is where the per ton fee is arrived at each year. He related that it originally appeared the fees were going to be \$29/ton but the needed fee is now \$24.50/ton, which is an increase of \$1.40 per ton from last year.

*Motion was made by Rozanne King to approve the Title V Budget and Fee for SFY 2001 as presented. Seconded by Darrell Hanson. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**ADOPTED AND FILED EMERGENCY, AND NOTICE OF INTENDED ACTION—  
CHAPTER 22, REVISED CAP ON ANNUAL TITLE V OPERATING PERMIT FEES**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed Adopted and Filed Emergency amendment and the Notice of Intended Action to Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

By rule, Air Quality Bureau is required every March to provide the Commission a draft budget for the purposes of establishing the Title V Operating Permit fee. Emission estimates reported by industrial facilities are then used at the May Commission meeting to set the fee. The Commission is prohibited by rule from setting the fee higher than \$29 per ton without a formal rulemaking.

The purpose of this rule making is to lower the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of \$29.00 to \$26.50 in SFY 2001. In SFY 2002 the maximum annual Title V Operating Permit fee that the Department can charge will revert from \$26.50 to \$29.00

The Commission will continue to be asked annually to approve the Title V fee as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

The Notice of Intended Action will allow for public comment on these amendments to the Iowa Administrative Code. Once the Notice of Intended Action has been through public comment and any issues raised during the public comment period have been addressed, the Commission will be asked to approve the amendments as Adopted and Filed. After commission approval and once the amendments are effective, the Adopted and Filed Emergency amendments shall be rescinded.

### **ENVIRONMENTAL PROTECTION COMMISSION [567]**

#### **Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of this rule making is to lower the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of \$29 to \$26.50 in SFY 2001. In SFY 2002 the maximum annual Title V Operating Permit fee that the Department can charge will revert from \$26.50 to \$29.00.

The Commission will continue to be asked annually to approve the Title V fee that is charged to permit applicants as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary because the amendment simply lowers the fee that the Department can charge and has no other effect on Title V facilities.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing, as it reduces the maximum amount that Title V facilities will have to pay for a fee.

The Environmental Protection Commission adopted this amendment on May 15, 2000.

This amendment is also published herein under Notice of Intended Action as ARC \_\_\_\_\_ to allow public comment.

This amendment is intended to implement Iowa Code section 455B.133.

This amendment shall become effective on May 26, 2000.

The following amendments is adopted.

Amend subrule 22.106(1) as follows:

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs

required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$29.00 per ton without adopting the change pursuant to formal rule making.

However, for fees to be paid July 1, 2000 only, the commission shall not set the fee higher than \$26.50 per ton. The fee cap shall revert to \$29.00 per ton for subsequent years.

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Date

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Paul W. Johnson, Director

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of this rule making is to lower the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of \$29 to \$26.50 in SFY 2001. In SFY 2002 the maximum annual Title V Operating Permit fee that the Department can charge will revert from \$26.50 to \$29.00.

The Commission will continue to be asked annually to approve the Title V fee that is charged to permit applicants as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

Any person may make written suggestions or comments on the proposed amendment on or before July 28, 2000. Written comments should be directed to Corey McCoid, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa 50322, fax (515) 242-5094, or by electronic mail to corey.mccoid@dnr.state.ia.us.

An informational meeting will be held at in 10:30 am in conference rooms 5-8 on June 15, 2000 at DNR's Air Quality Bureau offices located at 7900 Hickman Road, Urbandale, Iowa. At the informational meeting, DNR staff will be available to answer questions on any of the proposed rule revisions.

A public hearing will be held on July 20, 2000 at 1:00 pm in conference rooms 5-8 at DNR's Air Bureau office located at 7900 Hickman Road, Urbandale, Iowa at which time comments may be submitted orally or in writing. All comments must be received no later than July 28, 2000.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment was also Adopted and Filed Emergency and is published herein as ARC \_\_\_\_\_. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code section 455B.133.

Mr. Valde stated that the Administrative Rules Review Committee was reviewing the cap increase in fees, and after discussing with Pete Hamlin and ABI representatives an agreement

was reached to handle this through an emergency rule to lower the fee cap to \$26.50/ton for this year only. He related that since the rulemaking could not be done any sooner than the Commission had actually set the fee, it was redundant to do for one year only, therefore it should be pulled from the agenda.

Liz Henderson, Association of Business and Industry, stated that this was going to be a procedural issue, but since the fee has been set lower than \$26.50 it is not necessary. She added that she is looking forward to further discussions this summer about the Title V fee structure and making certain that those fees are used appropriately, and possibly look for support for additional general fund dollars.

Discussion followed regarding how the fee is set and what to consider when setting fees.

Mr. Valde explained that staff will look at the fee structure and anyone who wants to can look at the spreadsheet on the web and propose a different way of structuring the rate.

Gary Priebe remarked that this is a cache-22 way of doing things because even though they do a good job of decreasing emissions, their rate is raised.

*Mr. Valde stated that there could be more industries coming in and additional emissions coming from new industries, or certain industries could expand and put out more emissions, but the law requires the program be supported by fees.*

**RULE WITHDRAWN**

**INTERIM DIRECTOR REMARKS – LYLE ASELL**

Lyle Asell, Interim Director, reported that he had a conflicting meeting and could not be with the Commission this morning. He stated that he was very sorry to see Paul Johnson leave but he is also pleased to be in the Interim Director position. He noted that the Department and the Commission has a lot of work to do in addressing the environmental issues and concerns of the State. He related that he had indirectly worked closely with the Department for many years and will work closely with the Commission in the months to come.

**PETITION FOR RULEMAKING - - DES MOINES COUNTY BOARD OF HEALTH  
(FLINT CREEK REDESIGNATION)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the Proposed Temporary Denial of Petition, for the reasons stated therein. A copy of the Petition for Rulemaking, and attachments, are also included.

**BEFORE THE  
IOWA DEPARTMENT OF NATURAL RESOURCES**

<b>Petition by Des Moines County Conservation Board,</b>  <b>For the Amendment of Subrule 61.3(5)“e”, p.64, relating to the water use designation of Flint Creek.</b>	<b>PROPOSED TEMPORARY  DENIAL OF PETITION</b>
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The Des Moines County Conservation Board has requested that the Commission classify a segment of Flint Creek as “Class A”. The Flint Creek Advisory Committee has been monitoring this segment and gathered information that it is contaminated with fecal coliform. The request for classification is made for two reasons. First, with the Class A designation and the information regarding contamination, the Board feels the segment would be listed on the “303(d)” list of impaired waters, and therefore would be eligible for water quality funding. Second, and most relevant, in effect they assert that the current uses of the stream meet the definition of “primary contact” use, which is the Class A criterion. Two letters submitted with the Petition regarding public demand relate to use of the stream for canoeing. The Board indicates that it is also used for swimming, wading by anglers, educational studies, and tubing. There is a great deal of local interest in studying and protecting the stream, including “IOWATER” projects.

**DEPARTMENT RESPONSE**

***Legal Background***

Iowa Code section 455B.173 authorizes and requires the Environmental Protection Commission to promulgate rules relating to the water quality standards. The Commission has done so at 567 IAC 60-61.

Subrule 61.3(1) provides that all waters of the state are classified for protection of beneficial uses. These classified waters include general use segments and designated use segments. Pursuant to subrule 61.3(2) all surface waters, including general use and designated use waters, at all places and at all times, are protected for livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by the specific numerical criteria of sub-rule 61.3(3). Narrative criteria are established to protect these general uses.

Paragraph “b” of subrule 61.3(1) provides that designated use segments are water bodies which maintain flow throughout the year, or contain sufficient pooled areas during intermittent flow periods to maintain a viable aquatic community of significance. Designated use waters are to be protected for all uses of general use segments in addition to the specific uses assigned. Stream

segments may be classified for more than one designated use. Designated use segments include among others:

(1) Primary contact recreation (Class "A"). Waters in which recreational or other uses may result in **prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard**. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

(6) Limited resource warm water (Class "B(LR)"), which are "Waters in which flow and other physical characteristics limit the ability of the water body to maintain a balanced warm water community. Such waters support only populations composed of species able to survive and reproduce in a wide range of physical and chemical conditions, and are not generally harvested for human consumption."

Flint Creek currently is classified as "B(LR)" at this location, pursuant to subrule 61.3(5), paragraph "e" [p. 64, #5]. The request of the county is to add the Class A designation for the Flint Creek segment.

Pursuant to subrule 61.3(3), paragraph "a", the specific water quality criteria for Class "A" waters are:

(1) From April 1 through October 31, the fecal coliform content shall not exceed 200 organisms/100 ml, except when the waters are materially affected by surface runoff; but in no case shall fecal coliform levels downstream from a discharge which may contain pathogens to humans be more than 200 organisms/100 ml higher than the background level upstream from the discharge.

(2) The pH shall not be less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

With respect to the classification of a water body as "A", the following additional definitions in rule 60.2 apply:

*"Primary contact"* means any recreational or other water use in which there is direct human contact with the water involving considerable risk of ingestion of water or contact with sensitive body organs such as the eyes, ears and nose, in quantities sufficient to pose a significant health hazard.

*"Secondary contact"* means any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incidental to shoreline activity. This would include users who do not swim or float in the water body while on a boating activity.



*“Water contact recreational canoeing”* means the type of activities associated with canoeing outings in which primary contact with the water does occur. This would include users who swim or float in the water body while on a canoeing outing.

### ***Big Creek Precedent***

In February, 1991, the Commission published a proposed rule which among other things would designate Big Creek in Henry County as Class B(WW) and Class B(LR) in specified segments. During public comments on the proposed rule, the department received comments that the public used a portion of the stream for canoeing and swimming. As a result, in adopting the final rule in July, 1991, the stream was designated Class A in addition to the B classifications. The City of Mt. Pleasant, which would have been required to construct additional wastewater treatment facilities as a result of this reclassification, objected, and filed a petition for rulemaking to remove the Class A designation, among other things. In order to obtain additional public comment specific to the issue of the Class A designation, the department issued a new notice of intended action, in March, 1992.

Additional comments were received, indicating that there was significant recreational use of a portion of the stream for canoeing and swimming. The City and others commented that the cost of constructing additional facilities to disinfect their wastewater would be extraordinary, the physical characteristics of the stream during low flows did not support recreational uses, the stream was no different from hundreds of rural Iowa streams in which people might wade or swim and this would be the first rural stream so classified, and it had not been designated as Class A in Iowa's initial water quality designations.

Among the facts noted by staff and the Commission in considering the issue were:  
recreational uses supported during low flow conditions would be restricted because of the natural physical conditions (lack of water depth);  
most of the primary contact uses were by friends and families of the adjacent property owners;  
there were no specific public access facilities;  
to date most Class A designations had been for larger bodies of water where accessibility exists for extensive primary contact recreation to occur, e.g. state lakes, reservoirs, larger interior streams and the Missouri and Mississippi Rivers; three smaller, urban streams had been designated;  
the department's surface water designation efforts at that time were concentrating on Class B designations, and no systematic efforts were being made to identify potential Class A waters.

Department staff recommended to the Commission that the Class A designation remain in place, because the stream was in fact used for primary contact recreational purposes. On May 18, 1992, the Commission adopted a final rule removing the Class A designation because 1) the stream did not have the physical characteristics during extended low flow periods to support Class A uses; 2) no public access was provided to the stream in the form of parks, boat ramps, etc.; and 3) the department had not developed criteria to evaluate the Class A type of uses for smaller Iowa streams. (June 10, 1992 IAB, ARC #3089A).

### *Current Review of Water Quality Standards*

Pursuant to the federal law and regulations governing our administration of water pollution control programs, the department is required to review its water quality standards on a periodic basis. The department is currently engaged in this process. Among the items being considered is development of criteria to evaluate the Class A type of uses for smaller Iowa streams, the need for which the Commission noted previously in the Big Creek matter. Staff projects that a proposal for this will be developed by late August or early September of this year.

### *Conclusion*

Although this case is not precisely on point with the Big Creek matter, we feel that it would be best to wait until the criteria and procedure for evaluating smaller streams for Class A type designations are developed, which will be relatively soon.

As an additional comment, we feel the consideration should be restricted to whether a stream meets or does not meet the Class A criteria. It is not clear to us that an "A" classification necessarily would result in additional funding availability for water quality improvements. In any event, whether the reclassification will or will not result in availability of additional funding would not be a relevant consideration, in our view.

For the above-stated reasons, the department declines to initiate rulemaking proceedings on this subject at this time, but will engage in a more in-depth consideration of the issues involved and present proposed criteria and methodology to the Commission in October. We will proceed with Class A stream use designations after that, in accordance with the direction of the Commission, and commit to prompt evaluation of Flint Creek using an approved methodology.

Paul W. Johnson, Director Iowa Department of Natural Resources	Dated    this    ____    day of        May,        2000.
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Mr. Valde stated that the Department received a petition for rulemaking asking for reclassification of Flint Creek to a Class A stream, which includes primary body contact. He related that the Department is in the midst of the triennial review, which includes classifying all of the streams. He noted that staff also needs to develop a protocol or methodology to determine which streams should be Class A streams. Mr. Valde stated that the staff is proposing a temporary denial of the petition while the Department goes through the process of delineating the factors which will be considered and while laying out the protocol on how to determine Class A streams. He related that the College Creek group also requested reclassification to Class A and they were told about the rulemaking process. He reviewed that in the early 90's the City of Mt. Pleasant petitioned to have a stream removed from the Class A designation and it was removed, but the Commission ultimately said they would need to have the methodology, protocol, procedures and factors that the agency is going to consider before the Commission would list Class A streams. Mr. Valde related that there is a broad range of alternatives to be looked at,

but the staff is proposing not to initiate a rulemaking on this petition before the Department goes through the rulemaking to determine the protocol and procedures to be used.

Chairman Townsend asked when the rulemaking to develop the standards will be completed.

Mr. Valde replied that staff hopes to have the methodology developed by September. He added that he told the people of Ames that September is the target date. He noted that he believes Mt. Pleasant requested to have their stream removed from Class A because of the high cost of disinfection.

Mr. Riessen stated that in looking at existing monitoring data in the state there are many issues that need to be discussed, adding that there are many implications in regard to dischargers, etc. He related that staff will be meeting with the Technical Advisory Group in the next few months to address possible changes.

### **Appointment - Phil Broder**

Phil Broder, Des Moines County Conservation Board, distributed copies of a paper entitled "Flint Creek Water Quality Data, Oct. 94 – Dec. 94." He explained why Flint Creek should be a Class A stream and displayed a map showing the area where Flint Creek flows. He related that the creek flows through Starr's Cave Nature Preserve and it gets a lot of recreational use. He noted that the high school students are doing some water quality monitoring there and fecal coliform level has occasionally exceeded the State's standard. Mr. Broder stated that a lot of the recommendation for the temporary denial is based on the Big Creek precedent from 1992 in Henry County. He noted that DNR says most Class A streams are larger bodies of water, but he feels that does not matter because the size is not in the Code. He related that the DNR has not come up with a classification system and it should have been done eight years ago, and he does not want to wait through another summer with high bacteria levels just to see what the new classification system might look like. He told the Commission that would like to see someone do something about this rather than expect them to sit and wait.

A lengthy discussion took place regarding the length of the section requested for reclassification; the TMDL process involvement; fecal coliform bacteria levels in the stream; recreational uses on streams; the need to look at all of the streams, not only Class A waterways; and studying the parameters and protocol for stream classifications.

Chairman Townsend commented that he can see the piece of the puzzle and can also sense the people's frustration in waiting.

James Braun stated that the ruling that is be requested could set a precedence and the implications of this action could be rather broad. He noted that our waterways definitely need to be cleaned up but the question is whether to take this one step at this time, since there are two other creeks where folks are requesting the same thing.

Mr. Valde noted that the College Creek group would probably be submitting a similar petition.

Randal Giannetto stated that based on the comments today, hearing that people are frustrated with the length of time involved, he asked that staff keep the Commission informed on these issues in the upcoming months.

James Braun stated that the state has some serious problems with their waterways and the economic implications of what needs to be done in cleaning up 159 streams is astounding but those steps have to be taken some time.

Darrell Hanson stated that whatever is done to address these issues, and not to cast any doubt on the information by the folks from Ames or Des Moines County, he is uncomfortable with the situation whereby 8 or 9 people (the Commission) who have never been to the creek in question will make a decision based on relatively anecdotal information about creek usage. He related that bothers him and he hopes that whatever protocol is used, that those who have never been to the place will have more information than provided by a few people. He added that in taking action for a statewide policy he would hope to have more documentation.

*Motion was made by Rozanne King to approve the Temporary Denial of the Petition by the Des Moines County Conservation Board, based on the discussion and because of the precedent setting nature. She urged the staff to move through the process as fast as possible. Seconded by Rita Venner.*

Commissioner Venner stated that she supports the motion because of the fact that during her time on the Commission she has seen more ambitious work toward the clean waters effort in the Department the last six months than any time in the past. She also expressed concern with setting a precedent in this situation.

*Vote on the motion carried unanimously.*

**APPROVED TEMPORARY DENIAL OF PETITION**

**REFERRALS TO THE ATTORNEY GENERAL**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- b. Keokuk Ferro-Sil, Inc. (Keokuk) – air quality
- c. The Legacy Group, L.C.; Timberbrooke, L.C.; and John C. Kline (Des Moines) – water quality

**Keokuk Ferro-Sil, Inc.****Keokuk Ferro-Sil**

Kelli Brabec, Compliance and Enforcement Bureau, stated that Ferro-Sil produces alloy and referral is requested based on the facility's failure to submit a Title V Operating Permit application and for continuing to operate without that permit. She related that to date they have not submitted the permit. Additionally, they had failed to submit the annual emission inventories and the emission fee for 1993 –1998. She noted that those inventories and fees have now been submitted but they were late in coming in. Ms. Brabec said that the Department has been working with the facility for three years to bring them back into compliance.

Rita Venner commented that the report sounded like sometimes they were obliged to have a Title V permit and sometimes they operated below that level, and she inquired how those situations are handled.

Ms. Brabec stated that there has always been the need to submit the Title V permit, but the facility did question it and there have been several meetings to determine if they needed the permit. She related that part of the problem was that it was difficult to determine because the Department has not been able to get complete information. She noted it was determined in 1998, when they were no longer a candidate for the voluntary permit that they would have to file Title V.

**Appointment – Mike Morris**

Mike Morris, President of Keokuk Ferro-Sil, stated that prior to CHEM-ECO being their environmental consultant they had another environmental consultant who informed the company they were not subject to Title V. He related that during that same period they were inspected annually by DNR and at no time did DNR tell the company there was anything wrong with their permits. Mr. Morris related that they were surprised to receive the letter saying the company was being referred to the Attorney General. He added that as soon as he found out there was something wrong with their application permits, he talked to Carol Wilson about redoing the permits. He related that he has been working with DNR and has resolved about 95% of the issues. Mr. Morris stated that the earlier consultant told him the company was not subject to Title V and earlier inspections by DNR at no time indicated noncompliance.

**Appointment – Carol Wilson**

Carol Wilson, Environmental Consultant for Ferro-Sil, stated that the company has not been resisting or ignoring air quality regulations, adding they have always applied for and received air quality construction permits for every source constructed at the facility since permits were required, and it was done in a timely manner. She related that the issues they are facing are rooted in circumstances as long as 25 years ago. She listed the following issues: 1) Failure of the company to properly follow PSD review process; 2) Failure to apply for a Title V permit in a timely manner; 3) Failure to submit annual emissions inventories and fees in a timely manner; 4) Operating without a Title V application on file; 5) Company exceeds the allowable sulphur dioxide emission level for one emission unit. Ms. Wilson expanded on each of these issues and explained how each was or is currently being handled by the company. She stated that Keokuk Ferro-Sil never intended to willfully ignore any air quality rule. She noted that they relied on regular inspections by DNR and the work with their outside consultant to identify whether or not they were in compliance with applicable regulations. She stated that if the permit in 1984 had been handled properly the company would have been alerted to the PSD requirements and also would have known the facility was a major source when the new regulations came around in 1992. Ms. Wilson related that it would have resulted in a timely Title V application. She stated that because of the circumstances and the fact that the company has been working to rectify each of these matters they would prefer that the issue remain as an administrative matter with DNR and not be turned over to the Attorney General's Office.

Darrell Hanson asked about the need for the Title V permit.

Ms. Wilson stated that the need for the application was not substantiated until June 1999 during a meeting with DNR.

Commissioner Hanson asked if the company was in disagreement with the DNR.

Ms. Wilson stated that if you review the construction permits and the allowable standard emission on the construction permits, those alone would provide that the facility is a major source of regulated emissions for the purpose of Title V. She added that DNR gave them the opportunity to review the actual operation of those sources and to modify construction permits to possibly allow the facility to become a Synthetic Minor Source, rather than be subject to the Title V program. She related that in June 1999 the company determined that it was not going to be possible because there is one source that, even though it is controlled, does qualify the company as a major source.

Darrell Hanson noted that the impression he gets from the Litigation Report is a series of deadlines that were not met, and what he was hearing in the discussion is whether certain regulations applied or not, and those are two very different impressions.

Kelli Brabec stated that the matter started out with negotiations to work things out and then got to a point where deadlines were not met. She noted that in regard to knowing about the Title V requirements, there are documentation letters in 1998 requiring the company to submit the Title V application.

Rita Venner noted the company's statement "if we would have known the 1992 rules we would have applied for a Title V permit because we would have qualified," and asked staff for their comment on that.

Christine Paulson, Air Quality Bureau, stated that in 1992 all facilities were sent an Emissions Inventory to complete, which was a preliminary determination for them to decide if they were subject to the Title V program. She related that facilities needed to look at their potential emissions and also their actual emissions and when those were sent in, it was the facility's obligation to make the correct determination of whether they were subject to Title V or not. There were other options for operating permits but the obligation was theirs to file for some operating permit. Ms. Paulson noted that was not done for any of the programs.

Following further discussion and rebuttal of the issues and whether or not another 30 days would aid in working out the problems, the following action was taken.

*Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by James Braun. Chairman Townsend requested a roll call vote. "Aye" vote was cast by Commissioners Braun, Hanson, King, Priebe, Venner, and Townsend. "Nay" vote was cast by Commissioner Giannetto. Motion carried on a vote of 6-Aye to 1-Nay.*

<b>REFERRED</b>
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### **PETITION FOR RULEMAKING - - A.O. SMITH**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission is requested to approve the Proposed Denial of Petition, for the reasons stated therein. A copy of the Petition for Rulemaking, and attachments, are also included.

### **BEFORE THE IOWA DEPARTMENT OF NATURAL RESOURCES**

<b>Petition by A.O. Smith Corporation,</b>	
<b>For the Amendment of Subrule 65.1(455B), relating to the definition of "freeboard."</b>	<b>PROPOSED  DENIAL OF PETITION</b>

A. O. Smith Corporation has requested that the Commission modify the definition of "freeboard" as it relates to manure storage structures. The company manufactures formed manure storage structures, more particularly, "Slurrystore" tanks. The current definition of freeboard is "the difference in elevation between the liquid level and the top of the lowest point of animal feeding operation structure's berm or the lowest external outlet from a formed manure

storage structure.” Slurrystores are commonly built with a valved outlet system through the bottom of the tank, allowing gravity flow for removal of manure. The department’s definition of freeboard would not allow this. The company asks that the definition be changed to “vertical distance between the maximum water surface elevation anticipated in design and the top of retaining banks, pipeline vents, or other structures provided to prevent overtopping because of unforeseen conditions.” The company feels this definition is more widely used throughout the country with relation to agricultural and industrial wastewater systems.

### **DEPARTMENT RESPONSE**

The department feels that its current definition is sound. Although not relevant to this request relating to formed tanks, the alternative definition does not address the issue of low spots in earthen structures’ berms. With respect to formed tanks, we feel that gravity outlets through the bottom of a structure are a disaster waiting to happen. We are aware of one instance in Brenton County last year in which 150,000-200,000 gallons of manure was released from a 500,000 gallon Slurrystore when a valve failed. Only quick thinking and the prompt help of many neighbors prevented that incident from becoming a major environmental problem. Many of these tanks are in the 1-2 million gallon range. Although other methods of manure removal, i.e. pumping, would be more costly for the producer, and are not foolproof, the degree of threat from a failed or poorly operated gravity flow system in these large tanks is just too risky. It is our understanding that NRCS does not design formed storage systems that would allow gravity flow for manure removal.

For the above reasons, the Petition for Rulemaking is denied.

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Paul W. Johnson, Director  
Iowa Department of Natural Resources

Dated this \_\_\_\_ day  
of May, 2000

Mr. Valde stated that A.O. Smith Harvestore has petitioned to have the definition of “freeboard” changed. He explained that they build slurry storage tanks and would like to put a valve at the bottom of the tank to allow drainage of the tank without having to pump it out, so it could flow by gravity. He stated that the definition of freeboard in the rules is such that the lowest exit point has to be a certain distance above the top of the liquid in any containment, such as a lagoon or tank. He stressed that the Department recommends denying the petition to change this definition. Mr. Valde stated that anything that has a valve that can be left open or broken and result in gravity draining the tank is a disaster waiting to happen. He added that staff feel, the rule, as written, with the requirement to pump it out over the top is much better.

Darrell Hanson stated that he has a problem with the current rule and the proposed rule, adding that it says as long as one “anticipates” the level, it doesn’t matter what the real level is. The current rule says freeboard is the distance between the top of the tank and wherever the top of the liquid is. He stated that in regard to the Department’s position, he has a friend, an engineer, who advised him the slurry store tanks would be excellent with the modification of a second valve. With a second valve they would both have to be open to drain. He related that the engineers



advice was he did not agree these were an accident waiting to happen with the requirement of a second valve. He noted that he would deny the petition because it sounds like a loophole in the wording, but he is not sure the Department should come down so heavy on the slurry store tanks, as opposed to requiring a little modification in design.

Wayne Gielselman, Animal Feeding Operations Coordinator, stated that there are operations that require permits, usually good sized structures, and those that do not require permits, which are smaller but still produce a lot of manure. He related that the slurry store structures that require permits do not have the bottom opening valves in them, adding that they pump them out over the top. The ones that are constructed but do not require permits from the Department do have a double set of valves in the bottom, a slide valve and a gate valve. He added that the slurry store is an environmentally safe way to go. He related that there doesn't seem to be a great deal of objection by some of the folks who would be affected by what is proposed here and they can adapt to it in some of their design. He spoke about two instances where those valves have failed.

#### **Appointment - Dave Frederick**

Dave Frederick, President of A.O. Smith, introduced Bruce Warren, Director of Engineering. Mr. Warren distributed copies of a brochure about slurry store structures. Mr. Frederick stated that A.O. Smith has 1,124 slurry store structures in the State, and have been installing them since 1965. He related that it is the best manure storage system in the world and has not had one incident of environmental damage to the waters of any state. He stated that none of the slurry store structures are emptied by gravity. He noted that in the particular case he was speaking about there is a valve at the bottom and there is a pump that is used to unload the tanks and pump a mile out into a field for injection or to fill a spreader. Mr. Frederick stated that there are many other aspects that the definition of freeboard is making it very difficult for A.O. Smith in Iowa, when it comes to processing tanks. He told about their system and that some of the features of the slurry store structure is pre-engineered. He noted that they have pre-approval from the NRCS for a number of tanks on design approval. The floors have twice as much steel than the DNR code requires. He related that the issue is the valving and how the tanks are filled or emptied, rather than construction of the tanks themselves. He noted that by definition of freeboard as it now stands, says none of these storages have capacity because the capacity is measured 12 inches below the lowest external outlet. Mr. Frederick related that by definition they do not have capacity, and those that are willing to retrofit is not what they want to do, it is what they are saying is not worth fighting for. He added that A.O. Smith feels it is worth fighting for, as they have a lot of concerns with bringing in a pump over the top. He noted that it is impossible for them to inspect the bottom of the tanks under the current system. He asked the Commission to deny the Denial by the Department.

#### **Appointment – Bruce Warren**

Bruce Warren, A.O. Smith Director of Engineering, stated that they are here to assure they are planning to serve animal agriculture in conjunction with the Department. He related that the question is as to what is a good definition and they refer to above ground storages, and it makes it tough to write a singular description. He noted that the key to their purposes is to not have a

definition that causes their tanks to have zero net capacity. He added that they do not want to bump heads with one another but want to serve animal agriculture well.

Mr. Frederick distributed copies of a floor valve and one of an outside valve, as well as one in a separate building, under an owners control. He further discussed the definition of freeboard and related his intention was to show an industry definition.

Discussion took place regarding systems by pump manufacturers of other tanks; double valve systems; waste processing and settlement tanks, etc.;

James Braun stated that there are three systems being used primarily for animal and poultry waste in Iowa today; 1) lagoons; 2) below ground concrete pit; 3) slurry store. He stated that the earthen lagoons are a social and economic disaster yet to be discovered, adding that there are both advantages and disadvantages to the under ground concrete pits and the slurry store. He expanded on those advantages and disadvantages and noted that the slurry store is the most environmentally sound system today, next to stainless steel. Commissioner Braun explained that his goal would be in no way to hinder this type of system but maintaining the integrity of the valves is the goal to work for. He related that he suggested the valves be made out of stainless steel so they do not rust off. He stated that he doesn't think the definition should be changed because there is a lot lagoons and other systems where the definition of freeboard needs to be maintained. He related that possibly there needs to be a distinction between the freeboard at the top and the level of the liquid.

Rozanne King stated that she would favor denying the petition but ask the Department to work with them and possibly delineate it as a separate definition in this type of storage.

Wayne Gieselman stated that this has been through a number of rulemakings and has never been an issue in terms of the committee the staff has to go through to get it addressed. He related that this definition of freeboard applies because there are below-top-of-berm entrances into some of the other types of waste systems and they are all protected with some kind of anti-siphoning device. He noted that the Department does not allow entrances into these systems that are not protected, adding that most of them are entrances rather than exits, as this case would be.

Rozanne King commented that she would be asking for an exception or definition that specifically applies to this kind of storage.

Mr. Gieselman stated that his concern is with a slide gate and the possibility of leaving it open. He related that even with a double valve he is not convinced that it won't fail. He added that he thinks it is best to leave the definition of freeboard where it is and maybe work on how to deal with the valves issue.

Discussion followed in regard to tabling the matter.

*Motion was made by Gary Priebe to table the Petition by A.O. Smith for 90 days to allow them to work with the staff on language for the valve issue. Seconded by Rozanne King.*

Rita Venner asked Mr. Warren if they do not permit a slurry that has a bottom valve.

Mr. Warren replied that is correct, adding that the ones needing a construction permit do not have bottom valves. He noted that the definition will have to deal with above ground storages and not care whether it is steel, concrete or wood, and it won't be brand name sensitive. He related that it would probably be a performance definition rather than a form definition.

James Braun stated that the goal, from the Commission's responsibility, is to preserve environmental integrity and he does not know the strengths of other products but does know the strength and durability of stainless steel, and for the extra cost the environmental integrity would be preserved.

Mr. Warren stated that he was trying to address the generic part that says "don't design other people out" or there would be a flap of different sorts.

Mr. Frederick stated that he wants to be sure the Commission understands the definition as written and he read the definition of freeboard taking out the reference to earthen and putting in the reference to formed storages, and he expanded on that issue.

*Vote on Commissioner Priebe's motion to table the issue carried unanimously.*

**TABLED FOR 90 DAYS**

## **REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

### **The LegacyGroup, L.C.; Timberbrooke, L.C.; and John C. Kline**

Mr. Valde stated that Mike Murphy has been communicating with the party involved and has agreed to table the referral for 30 days, with the Commission's approval.

*Motion was made by Darrell Hanson to table this referral for 30 days. Seconded by Rozanne King. Motion carried unanimously.*

**TABLED FOR 30 DAYS**

## **LEGISLATION UPDATE**

Larry Wilson, Deputy Director, presented the following item.

### **IOWA DEPARTMENT OF NATURAL RESOURCES – LEGISLATIVE SUMMARY**

**SF2326 – HOUSEHOLD HAZARDOUS MATERIAL SUPPORT – Signed by Governor 4/13/00**

The bill expands language in household hazardous materials fund to allow for support of regional collection centers. Also places repayments from the Iowa Business Loan Program into the HHM account. Bill originally included \$1 million for tire stockpile clean up in the state, and additional \$175K for associated administrative costs of tire clean ups. This amended out and included in the infrastructure bill, but only at \$500,000.

**SF2036 - REPEAL OF MISSISSIPPI COMPACT- Signed by Governor 3/31/00**

Repeals sections of code that set up the Upper Mississippi Compact. The Compact, in order to be enacted, needed to be adopted by adjoining states, and never was.

**HF2438 - SUSPENSION OF PERMITTING HAZARDOUS WASTE FACILITIES –Signed by Governor 4/7/00**

Extends DNR suspension for permitting of hazardous waste facilities, until such time as DNR requests approval to take program back from Federal Govt.

**SF2430 – AG & NATURAL RESOURCES APPROPRIATIONS BILL – Passed out of Senate, Amended by House, Senate concurred**

Base budget from FY2000 with an additional \$1.3 million to Fish & Wildlife.

**SF2453 - TRANSPORTATION/INFRASTRUCTURE APPROPRIATIONS BILL – Passed Senate, Amended by House, Senate concurred**

Bill appropriates \$35 million Environment First fund to DNR, DALS & DED. Included in this is \$11,190K for the State Water Quality Initiative, which provides \$3,790K to DNR and \$7,400K to DALS. Also included in the \$35 million is funding for recreational grants, lake dredging, marine fuel tax capitals, REAP, trees program, Lewis & Clark, and waste tires. Included outside of the \$35 million is funding for Elinor Bedell State Park and Restore the Outdoors.

**SF2416 – PETROLEUM OVERCHARGE FUNDS – Signed by Governor 4/14/00**

A bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

**HF2393 - CERTIFICATION FEES FOR MMP OPERATORS – Signed by Governor 4/17/00**

Requires that only one confinement site manure applicator fee is required for a family, including business partners.

**HF2423 - BROWNFIELDS REDEVELOPMENT FUND – Signed by Governor 4/14/00**

A bill creating a brownfield redevelopment program and fund and a brownfield redevelopment advisory council. Sets up a program fund in Dept. of Econ. Development to provide assistance to governmental agencies to clean up contaminated sites. Funded out of Infrastructure Fund.

**HF2530, SF2361 - ELECTRIC RESTRUCTURING – Failed to Pass either House or Senate**

Deregulation/restructuring of electric utility industry in state. Establishment of over \$50 million dollar fund for renewable portfolio standard and efficiency programs. Passage of bill unknown.

**SF466 - AGRICHEMICAL REMEDIATION ACT- Passed Senate in 1999, Amended by House, Amended by Senate, House concurred**

The bill provides for the establishment of a fund to assist with the clean up of sites where there has been contamination due to a release of pesticides or fertilizers. The bill establishes a board within IDALS to oversee the development of the program, adopts IDNR clean groundwater and soil standards, and allows for prioritization of sites, both in IDALS program and IDNR.

**SF2371 - IOWA CLEAN WATER POLICY BILL – Signed by Governor 4/7/00**

A policy bill for the establishment of a water quality initiative program by IDALS and IDNR, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.

**HF 2331 – INTOXICATED BOATER BILL– Signed by Governor 4/14/00**

Establishes similar regulations for intoxicated motorboat and sailboat operators that are in affect for motor vehicles by setting a blood alcohol concentration limit and invoking implied consent procedures for boaters on public waters.

**HF 2090 – FORESTRY DIVISION NAME CHANGE – Passed both Senate and House**

Changes the name of DNR's Forests and Forestry Division to Forests and Prairies to better reflect the services provided by the Division. In addition to forestry assistance, Division staff are providing prairie management assistance to private and public landowners.

**SF 2061 – REGISTRATION AND LICENSING DUTIES OF COUNTY RECORDERS – Signed by Governor 3/30/00**

Deletes language that would allow a person that purchases a snowmobile or all-terrain vehicle that is in storage to get the machine registered if that person has a copy of the storage affidavit. By deleting the language, the owner of the machine is required to officially remove the machine from storage and obtain a current registration before transferring the machine to the purchaser. This procedure makes it more difficult to get a stolen machine registered. This bill also gives county recorders the option of selling hunting and fishing licenses by changing the enabling language from "shall" to "may".

**SF 2300 – INTERFERENCE WITH LAWFUL HUNTING, FISHING, AND FUR HAVING – Signed by Governor 4/12/00**

Strengthens existing Code language by defining in more detail intentional interference with lawful hunting, fishing, and fur harvesting, and by providing for increased penalties for multiple offenses.

**HF 2486 – FISH SNAGGING, RESIDENCY REQUIREMENTS FOR HUNTING AND FISHING LICENSES, AND TAKING OF DEER IN CITY LIMITS – Signed by Governor 4/19/00**

This is a combination bill that pertains to three separate issues. One, it prohibits taking fish by means of hand fishing, snagging, spearing, bow and arrow, and artificial lights unless otherwise designated by the Natural Resource Commission through administrative rules. Two, it decreases the shooting distance from a building from 200 yards to 50 yards within city limits during the taking of deer in accordance with an approved special deer population control plan. The legislation also allows the use of firearm silencers during the implementation of special deer population control plans within city limits. Three, prohibits a person that claims residency in another state to purchase or apply for a resident license in Iowa. This prohibition has two exceptions; (1) full-time students at an educational institution located in Iowa and the students reside in Iowa while attending the school, and (2) nonresidents under eighteen years of age whose parent is a resident of Iowa.

**HF 2008 – MILITARY RESIDENCY FOR HUNTING AND FISHING PURPOSES – Passed both Senate and House**

Amends code to allow military persons on active duty to claim residency in the state by paying state income tax in Iowa for the purpose of being able to hunt and fish without a license.

Mr. Wilson reviewed the status of each bill summarized above.

Interim Director Asell discussed the ‘credible data’ portion of SF2371 and explained some areas of concern.

Brief discussion was held on HF2486 in regard to fish snagging.

**ADDRESS ITEMS FOR NEXT MEETING**

Gary Priebe suggested that the Commission hold a meeting in Eastern Iowa and visit the Bluestem proposed landfill site. Commissioner Braun commented that he likes the idea of visiting the landfill site as it could be an issue that eventually will come to the Commission. Rozanne King stated that her preference would be in June or August.

Consensus was to hold the August meeting in Eastern Iowa with the landfill tour possibly on Monday afternoon, and the Commission meeting on Tuesday morning.

**GENERAL DISCUSSION**

Larry Wilson reported that effective July 1, 2000 the mileage rate for travel will be 29 cents per mile for Commissions and Boards and in certain cases for other state employees.

Chairman Townsend asked about the speaker from Ames who did not feel the Department was moving fast enough on permits in the College Creek area.

Mr. Valde stated that a lot of things did not happen between 1990 and the present time, which probably should have, but that cannot be changed now. He related that two of the facilities with

storage lagoons have been told no more discharge would be allowed. He added that they will have to land apply it or take it to the city sewage treatment. The other is a mechanical plant rather than a lagoon, and is scheduled to be completed in late summer or fall. The restaurant with a septic tank that is illegally connected to a county tile will be remedied before this fall. Mr. Valde noted that it takes time to design, build and upgrade and this is the most aggressive enforcement that can be done.

**NEXT MEETING DATES**

June 19, 2000

July 17, 2000

August 21, 2000

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:40 p.m., Monday, May 15, 2000.

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Paul W. Johnson, Director

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Terrance Townsend, Chair

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Rozanne King, Secretary

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